

STATE ALLOCATION BOARD

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Date: July 21, 2003

To: Interested Parties

Subject: **NOTICE OF THE STATE ALLOCATION BOARD IMPLEMENTATION COMMITTEE MEETING**

Notice is hereby provided that the State Allocation Board Implementation Committee will hold a meeting on Friday, August 1, 2003 (9:30 am - 3:30 pm) at the 1500 Capitol Ave., Room(s) 72.151A and 72.149B, Sacramento, CA.

The Implementation Committee's proposed agenda is as follows:

1. Convene Meeting
2. Continuation High, Community Day and County Community Schools Classroom Loading and Funding Methods
3. Amendments to Regulations for Automatic Fire Detection/Alarm System, and Automatic Sprinkler System (SB 575)
4. SAB/OPSC Processes for Lease Lease-Back Projects and Proposed Regulations
5. District Funded Facilities Included in Existing School Building Capacity (180-Day Reimbursement Issue)
6. Bond Accountability

Any interested person may present public testimony or comments at this meeting regarding the issues scheduled for discussion. Any public input regarding unscheduled issues should be presented in writing, which may then be scheduled for a future meeting. For additional information, please contact Portia Jacobson at (916) 445-3159.

A handwritten signature in black ink, appearing to read 'Bruce B. Hancock'.

BRUCE B. HANCOCK
Chairperson

BBH:LM:pj

STATE ALLOCATION BOARD
IMPLEMENTATION COMMITTEE
August 1, 2003

**COMMUNITY DAY, COUNTY COMMUNITY DAY, COUNTY COMMUNITY AND
CONTINUATION HIGH SCHOOL REPORT**

BACKGROUND

In March 2003, the Office of Public School Construction (OPSC) released the *Review of the Funding Methods for Continuation High, Community Day and County Community Schools* report on behalf of the Department of General Services (DGS). This report was in response to Assembly Bill 695, Education Code Section (ECS) 17072.17, which directed the DGS, in conjunction with the California Department of Education (CDE), the Department of Finance (DOF), and the Legislative Analyst's Office (LAO), to review the method of funding the construction and modernization of school facilities for the following alternative education programs:

- Continuation High Schools
- Community Day Schools
- County Community Schools
- County Community Day Schools

CLASSROOM LOADING FOR ALTERNATIVE EDUCATION SCHOOLS

The report supports and the staff is proposing to change the current loading standards to 18 pupils per classroom for continuation high, community day and county community schools.

FUNDING OF SUPPORT FACILITIES FOR ALTERNATIVE EDUCATION SCHOOLS

One of the report's recommendations is to consider developing a new school allowance for Alternative Education Schools. The OPSC presented at its April and May 2003 Implementation Committee meetings, a chart to illustrate the square footage necessary for support facilities for alternative education facilities (see Attachment A). This chart was prepared with the assistance of the CDE, utilizing CDE educational specifications, and replacement square footage based on the Facility Hardship Chart under Regulation 1859.82(b).

At the May Committee meeting, the OPSC presented a proposed regulation for a cost allowance based on the square footage chart structured to provide additional funding for support facilities beyond the funds generated from the per pupil grant. Further analysis revealed this proposal provided excessive funding as compared to the School Facility Program (SFP) Excessive Cost to Construct a New School Project for conventional schools, and is not supported by the *Review of the Funding Methods for Continuation High, Community Day and County Community Schools* Report. Under the SFP, the amount of funding provided per pupil includes a portion for support facilities. As the number of classrooms and pupils increase in a project, the amount of funding for support facilities accumulates. The previous alternative education proposal did not account for that accumulation, which caused the excessive funding.

Revised Proposal for Funding Support Facilities

A revised proposed regulation has been developed (see Attachment B) that utilizes the same methodology as the Excessive Cost to Construct a New School Project for conventional schools. The dollar amounts in the current proposal were derived by utilizing the square footage recommendations from the CDE as illustrated on Attachment A, plus accounted for the square footage for the classrooms (1,030 square feet per classroom). (Examples on Attachment C illustrate how the square footage recommendations were the basis of the new school allowance for Alternative Education schools.)

The additional funding for each project is calculated by subtracting the base grant amount from the amount shown in the Alternative Education chart on Attachment B.

Additional Projects

The revised proposal permits additional funding as the district files additional applications for the same site with an offset provision to account for previous funding received for support facilities. An example is shown on Attachment E.

Grandfathering Provision

The proposal includes a grandfathering provision for those projects for which the final plans and specifications for the project were accepted by the Department of State Architect on or after August 27, 2003. This date may change and is anticipated to be the date that the State Allocation Board approves this proposal.

Existing Alternative Education Schools Built Outside These Proposed Regulations

The proposal includes similar provisions available to other districts that want to build support facilities for its existing schools. The proposal includes revisions to the Use of New Construction Grants regulations (see Attachment B) to accommodate the following Alternative Education support facilities:

- Multipurpose or Gymnasium
- Library
- Counseling Offices and/or Conference Rooms

Proposal Reflects both 1998 and 2003 Amounts

The amounts shown in the proposed SFP Regulation item (see Attachment B) reflect the 1998 costs to coincide with the origination of the SFP. However, a chart with the 2003 grant amounts reflecting the accumulative cost indices has been included (see Attachment D) to enable relevant discussion of this proposal. Eligible districts' approvals will be based on the current costs.

RECOMMENDATIONS

1. Amend Regulation Sections as provided on Attachment B.
2. Add Regulation Section 1859.83(c)(2) Excessive Cost to Construct a New Alternative Education School.
3. Amend Forms SAB 50-02, 50-03 and 50-04.

ATTACHMENT A

MINIMUM ESSENTIAL FACILITIES FOR ALTERNATIVE EDUCATION SCHOOLS

	Column 1	Column 2	Column 3
Support Facility	Project contains 1 or 2 classrooms	Project(s) contains 3 to 10 classrooms	Project(s) contains 11 or more classrooms
Multipurpose Facility or Gymnasium (includes food service)	2,500 sq. ft.	6.3 sq. ft. per pupil minimum 4,000 sq. ft.	6.3 sq. ft. per pupil minimum 7,200 sq. ft.
Toilet	5 sq. ft. per pupil minimum 300 sq. ft.	5 sq. ft. per pupil minimum 300 sq. ft.	5 sq. ft. per pupil minimum 300 sq. ft.
School Administration	1,000 sq. ft. Combined Total	4 sq. ft. per pupil minimum 800 sq. ft.	4 sq. ft. per pupil plus 800 sq. ft.
Counseling offices, small group areas, and/or conference rooms		1,000 sq. ft.	1,000 sq. ft.
Library/Media Space		4.3 sq. ft. per pupil plus 600 sq. ft.	4.3 sq. ft. per pupil plus 600 sq. ft.

ATTACHMENT B

Amend Section 1859.2. Definitions.

For the purpose of these regulations, the terms set forth below shall have the following meanings, subject to the provisions of the Act:

“Academic Achievement” means to improve one’s ability to engage in academic endeavors and to accomplish study in core curriculum areas such as reading, writing, mathematics, fine arts, science, vocational education, technology, history or social science.

“Act” means the Leroy F. Greene School Facilities Act of 1998.

“Adjacent” means the HSAA that will make up the Super HSAA are adjoining, touching, or share a common geographical boundary.

“Alternative District Owned Site” means a district owned site that is deemed available for the project by the California Department of Education.

“Alternative Education ” means community day, county community, county community day, and continuation high schools with a loading standard of 18 pupils per classroom.

“Application” means a request pursuant to the Act to receive an eligibility determination and/or funding for a school project.

“Apportionment” shall have the meaning set forth in Education Code Section 17070.15(a).

...

“General Education” means non-Alternative Education and non-Special Day Class for grades K-6, 7-8, and 9-12.

...

Amend Section 1859.33. Classroom Identification and Determination of Existing School Building Capacity.

The district shall identify by grade level, based on its most typical use for General Education grades K-6, 7-8 or 9-12; Alternative Education grades K-6, 7-8, or 9-12; or non-severe or severe Special Day Class education, each classroom included in the classroom inventory determined pursuant to Section 1859.31 and not excluded pursuant to Section 1859.32. These classrooms shall be reported on the Form SAB 50-02.

Amend Section 1859.35. Calculation of Existing School Building Capacity.

The district’s existing school building capacity shall be determined by totaling the amount calculated in (a) with the amount determined in (b) or (c), whichever is the greater:

- (a) With the exception of classrooms for Special Day Class pupils and Alternative Education pupils for which the multiplier is indicated on the Form SAB 50-02, multiply the number of available classrooms in the district, the HSAA or the Super HSAA by the following: 25 for each K-6 classroom and 27 for each 7-12 classroom. Available classrooms shall be determined by the reduction of classrooms identified in Section 1859.32 from the gross classroom inventory prepared pursuant to Section 1859.31 and the inclusion of portable classrooms as provided pursuant to Education Code Section 17071.30 (a) or (b).
- (b) Multiply the K-6 pupil capacity of the elementary district, the unified district, the HSAA or the Super HSAA in a unified district as determined by the results of the calculations in (a) at the time of the initial determination of eligibility by six percent. When the elementary or unified district meets the Substantial Enrollment Requirement (SER) or qualifies for a waiver of the SER authorized by Education Code Sections 17017.6 and 17017.7(c), the amount reported in (b) shall be zero. For High School Districts, the amount reported in (b) shall be zero.
- (c) A number equal to the number of pupils provided operational grants as indicated in the current report of operational grants made by the CDE pursuant to Education Code Section 42268, less the number of pupils at a school on the MTYRE calendar that has a density of at least 200 or more pupils per acre when the district has at least 40 percent of its enrollment on MTYRE as of the date of determination of the existing school building capacity of the district.

Amend Section 1859.51. Adjustments to the New Construction Baseline Eligibility.

The baseline eligibility for new construction determined on the Form SAB 50-03, will be adjusted as follows:

- (a) Reduced by the number of pupils provided grants in a new construction SFP project and by the number of pupils that received a Preliminary Apportionment pursuant to Section 1859.140 or a Preliminary Charter School Apportionment pursuant to Section 1859.160.
- (b) Reduced by the number of pupils housed, based on the loading standards pursuant to Education Code Section 17071.25(a)(2)(A), in a new construction LPP project funded under the provisions of the LPP pursuant to Sections 1859.12 or 1859.13.
- (c) Reduced by the number of pupils housed in additional classrooms constructed or purchased based on the loading standards, pursuant to Education Code Section 17071.25(a)(2)(A), in a modernization SFP project.
- (d) Adjusted as a result of the audit findings made pursuant to Sections 1859.90 and 1859.105.
- (e) Increased/decreased by changes in projected enrollment in subsequent enrollment reporting years for all districts except decreases as provided in (j) below.
- (f) Adjusted as a result of errors or omissions by the district or by the OPSC.
- (g) Adjusted as a result of amendments to these Regulations that affect the eligibility.
- (h) Increased by the number of pupils eligible for grants pursuant to Section 1859.82 (a).
- (i) Reduced by the number of pupils housed, based on loading standards pursuant to Education Code Section 17071.25(a)(2)(A), in any classroom provided after the baseline eligibility was determined by the Board with the exception of those pupils housed or to be housed in a classroom:
 - (1) That is a trailer and transportable/towed on its own wheels and axles.
 - (2) Of less than 700 interior square feet.
 - (3) Excluded pursuant to Education Code Section 17071.30.
 - (4) Where the contract for the lease, lease-purchase, purchase, or construction of the classroom was made prior to January 1, 2000.
 - (5) Where the contract for the lease, lease-purchase, purchase, or construction was made no more than 180 days before the Approved Application date for funding of the classrooms included in the contract.
 - (6) That is included in a SFP project where the district has funded a portion of the project beyond its required district contribution and the pupil capacity of the classroom does not exceed 150 percent of the number of pupils receiving a new construction grant (rounded up) for the SFP project.
 - (7) That was acquired with joint-use funds specifically available for that purpose.
- (j) For small school districts, decreased:
 - (1) By any reduction in projected enrollment beginning in the enrollment-reporting year that follows a three year period beginning when the district's baseline eligibility was determined by the Board. The reduction shall be determined by any decrease between the current projected enrollment and the projected enrollment used when the district's baseline eligibility was determined by the Board pursuant to Section 1859.50 or adjusted by a subsequent operational grant report after that date.
 - (2) By any increase in the number of pupils included in the latest operational grant report made by the CDE pursuant to Education Code Section 42268 beginning three years after the district's baseline eligibility was determined by the Board pursuant to Section 1859.50. The reduction in eligibility shall be determined by the number of pupils included in the latest operational grant report that exceed the number of pupils included in the operational grant report in effect when the district's baseline eligibility was determined by the Board pursuant to Section 1859.50 or adjusted by a subsequent operational grant report after that date.
- (k) Adjusted for any change in classroom inventory as a result of a reorganization election.
- (l) For classroom loading standards adopted by the Board for non-severely disabled individuals with exceptional needs and severely disabled individuals with exceptional needs.
- (m) As directed by the Board due to a finding of a Material Inaccuracy pursuant to Regulation Section 1859.104.1.
- (n) Increased by the number of pupils that received a Preliminary Apportionment that was rescinded pursuant to Section 1859.148 or a Preliminary Charter School Apportionment that was rescinded pursuant to Section 1859.166.
- (o) For classroom loading standards adopted by the Board for Alternative Education individuals.
- (p) Adjusted for operational grant changes as determined/provided by the California Department of Education.

Section 1859.61. Adjustments to the Modernization Baseline Eligibility.

The baseline eligibility for modernization as provided in Section 1859.60 for a specific site will be adjusted as follows:

- (a) Reduced by the number of pupils provided grants in a modernization SFP project at the specific site.
- (b) Reduced by the number of pupils housed, based on the loading standards pursuant to Education Code Section 17071.25(a)(2), in a modernization LPP project funded under the LPP pursuant to Sections 1859.14 and 1859.15.
- (c) Increased by changes in projected enrollment in subsequent enrollment reporting years.
- (d) Increased for additional facilities not previously modernized with State funds, that become 25 years old, if permanent, or 20 years old, if portable or as a result of audit findings made pursuant to Sections and 1859.90 1859.105.
- (e) Adjusted as a result of errors or omissions by the district or by the OPSC.
- (f) Adjusted as a result of amendments to these Subgroup 5.5 Regulations that affect the eligibility.
- (g) For classroom loading standards adopted by the Board for non-severely disabled individuals with exceptional needs and severely disabled individuals with exceptional needs.
- (h) As directed by the Board due to a finding of a Material Inaccuracy pursuant to Regulation Section 1859.104.1.
- (i) For classroom loading standards adopted by the Board for the Alternative Education individuals.

Amend Section 1859.73.2. New Construction Additional Grant for Replaced Facilities.

- (a) In addition to any other funding authorized by these Regulations, the Board shall provide funding for the amount(s) in (b) below for the replacement cost of one-story buildings that are demolished at a school in order to increase pupil capacity of that school if all the following conditions are met:
 - (1) The school must be on MTYRE at the time the Approved Application is accepted.
 - (2) The site size as determined by the CDE for the existing capacity of the school is less than 75 percent of the recommended CDE site size.
 - (3) The pupil capacity of the school must be increased by at least the greater of (A) or (B) below:
 - (A) Twenty percent of the existing pupil capacity (before replacement) of the school. Existing pupil capacity shall be determined by multiplying classrooms intended for General Education grades ~~k~~Kindergarten through six by 25, classrooms intended for General Education grades seven through 12 by 27, Alternative Education grades Kindergarten through 12 by 18, classrooms intended for Non-Severely Disabled Individuals with Exceptional Needs by 13 and classrooms intended for Severely Disabled Individuals with Exceptional Needs by nine. Classrooms shall not include any classrooms reduced from the Gross Classroom Inventory pursuant to Section 1859.32.
 - (B) 200 pupils.
 - (4) The sum of (A) and (B) below is less than the amount determined in (E) below:
 - (A) Determine the estimated cost of demolition of the one-story buildings to be replaced. The cost estimate shall be subject to review by the OPSC for conformance with the Saylor Current Cost Publication.
 - (B) Multiply the square footage of the buildings to be replaced by the Current Replacement Cost.
 - (C) Multiply the New Construction Grants requested in box 2a. of the Form SAB 50-04 by .01775 for K-6, .021 for 7-8 and .02472 for 9-12. For purposes of this calculation, assign Severely Disabled Individuals with Exceptional Needs and Non-Severely Disabled Individuals with Exceptional Needs pupil grants requested on Form SAB 50-04 as either K-6, 7-8 or 9-12 based on the type of project selected by the district on Form SAB 50-04.
 - (D) Determine the average appraised value of land per acre, including relocation costs, within the attendance boundaries of the school. The appraisal must be consistent with Section 1859.74.1.
 - (E) Multiply the sums of the products determined in (C) above by the average appraised value of land per acre determined in (D) above.
- (5) The CDE has determined that the replacement of the one-story buildings on the existing site with multilevel building(s) would be the best available alternative and will not create a school with an inappropriate number of pupils in relation to the size of the site.
- (6) The one-story buildings to be replaced on the existing site may not be leased facilities.
- (7) With the exception of portables acquired with Class Size Reduction funds, the one-story buildings to be replaced on the site may not have been funded for either new construction or modernization funds from Proposition 1A funds within the past five years from the date the Approved Application is accepted.
- (b) If the criteria in (a) are met, the additional funding is determined by multiplying \$173.30 per square foot for Toilet Facilities and by \$96.30 per square foot for all other facilities included in the one-story buildings to be replaced adjusted for the following:
 - (1) The amounts shall be adjusted annually in the manner prescribed in Section 1859.71.
 - (2) The amounts shall be increased by the percentage authorized in Section 1859.73 if the replacement area will be multilevel building(s).

The district is eligible for site development in accordance with Section 1859.76 including the demolition of the replacement structures as part of the SFP project.

Section 1859.77.3. Use of New Construction Grant Funds for Projects Accepted by the DSA after January 22, 2003.

New Construction Grant funds and any other funds provided by these Regulations shall be expended as set forth in Education Code Section 17072.35; and may also be utilized for the cost incurred by the district for the development and implementation of remedial action plan approved by the DTSC pursuant to Education Code Section 17213; and for the costs incurred by the district directly or through a contract with a third party provider for the initiation and enforcement of a labor compliance program pursuant to Labor Code Section 1771.7.

Authorization for use of New Construction Grants for which the final plans and specifications for the project were accepted by the DSA after January 22, 2003 may be requested as follows:

- (a) A district may request new construction grants that exceed the capacity of the project based on loading standards pursuant to Education Code Section 17071.25(a)(2) and any loading standards adopted by the SAB by these regulations if the project is to construct a multipurpose, gymnasium and/or library, or for an Alternative Education school to construct a multipurpose/gymnasium, library, counseling offices, and/or conference rooms, at an existing site that does not have an existing or adequate facility of the type being requested when all of the following is met:
 - (1) The district must adopt a school board resolution that has been discussed at a public hearing at a regularly scheduled meeting of the district's governing board on a date preceding the application filing that includes the following:
 - (A) An acknowledgement that funds for the purposes of housing the excess pupils are being diverted to another project.
 - (B) An acknowledgement that the State has satisfied its obligation, pursuant to Section 1859.50, to house the pupils receiving grants in the project.
 - (C) A plan outlined in the resolution that identifies how the district has housed or will house the pupils receiving grants in the project in school buildings as defined in Education Code Section 17368. The plan must certify one of the following methods:
 1. The district will construct or acquire facilities for housing the pupils with funding not otherwise available to the SFP as a district match within five years of project approval by the SAB, and the district must identify the source of the funds; or
 2. The district will utilize higher district loading standards providing the loading standards are within the approved district's teacher contract and do not exceed 33:1 per classroom.
 - (2) The existing school site was not constructed under the SFP.
 - (3) The proposed project includes no more than eight classrooms.
 - (4) Grants requests, above 100 percent of the number of pupils to be housed, based on Special Day Class pupil eligibility are only permitted under this subsection (a) when building a Special Day Class facility.
 - (5) For purposes of this section to determine if an existing facility is inadequate, the existing square footage is less than 60 percent of the square footage necessary for the current CBEDS for the site plus the Net School Building Capacity of the proposed project as calculated pursuant to Section 1859.82(b), with the exception of Alternative Education schools refer to the following:

<u>Support Facility</u>	<u>Existing Site Plus Proposed Project Contain 1 or 2 Classrooms</u>	<u>Existing Site Plus Proposed Project Contain 3 to 10 Classrooms *</u>	<u>Existing Site Plus Proposed Project Contain 11 or More Classrooms*</u>
<u>Multipurpose Facility or Gymnasium (includes food service)</u>	<u>2,500 sq. ft.</u>	<u>6.3 sq. ft. per pupil minimum 4,000 sq. ft.</u>	<u>6.3 sq. ft. per pupil minimum 7,200 sq. ft., maximum of 18, 000 sq. ft.</u>
<u>Counseling Offices, and/or Conference Rooms</u>	<u>1,000 sq. ft. Combined Total</u>	<u>1,000 sq. ft.</u>	<u>1,000 sq. ft.</u>
<u>Library/Media Space</u>		<u>4.3 sq. ft. per pupil plus 600 sq. ft.</u>	<u>4.3 sq. ft. per pupil plus 600 sq. ft.</u>

*The proposed project cannot include more than eight classrooms.

- (6) The maximum excess pupil amount being requested for this type of use of grants request, is calculated by the following:
- (A) Multiply the current CBEDS for the site plus the Net School Building Capacity for the proposed project by the square footage for the type of facility being requested, pursuant to Section 1859.82(b), with the exception of Alternative Education schools refer to subsection (5) above.
 - (B) Multiply the product in (a)(6)(A) above by the per square foot grant amount for multipurpose, gymnasium or library facilities pursuant to Section 1859.82(b); utilize the same per square foot grant amount for the Alternative Education school facilities.
 - (C) Divide the product in (a)(6)(B) above by the New Construction Grant amount for the project grade level, rounded up to the nearest whole number.
- (b) A district may request new construction grant eligibility determined at a different grade level than the proposed project that does not exceed the capacity of the project, unless the project includes a request as indicated in Section 1859.77.3(a), based on loading standards pursuant to Education Code Section 17071.25(a)(2) and any loading standards adopted by the SAB by these regulations when all of the following is met:
- (1) The district must adopt a school board resolution that has been discussed at a public hearing at a regularly scheduled meeting of the district's governing board on a date preceding the application filing that include the following:
 - (A) An acknowledgement that funds for the purposes of housing the excess pupils are being diverted to another project.
 - (B) An acknowledgement that the State has satisfied its obligation, pursuant to Section 1859.50, to house the pupils receiving grants in the project.
 - (C) A plan outlined in the resolution that identifies how the district has housed or will house the pupils receiving grants in the project in school buildings as defined in Education Code Section 17368. The plan must certify one of the following methods:
 - 1. The district will construct or acquire facilities for housing the pupils with funding not otherwise available to the SFP as a district match within five years of project approval by the SAB, and the district must identify the source of the funds; or
 - 2. The district will utilize higher district loading standards providing the loading standards are within the approved district's teacher contract and do not exceed 33:1 per classroom; or
 - 3. The pupils requested from a different grade level will be housed in classrooms at an existing school in the district which will have its grade level changed, to the grade level requested, at the completion of the proposed SFP project.
 - (2) Only New Construction Grant eligibility for grades Kindergarten through 12 can be requested pursuant to this subsection (b), and the district must use its New Construction Grant eligibility, pursuant to subsection (b), in the following order:
 - (A) At the grade level of the proposed project, if available.
 - (B) At the lowest grade level other than the proposed project, if available.
 - (C) At the next highest grade level other than the proposed project.
 - (c) A district may request new construction eligibility based on the SFP Regulation Section 1859.77.2 or 1859.77.3, as appropriate, in place as of the date of a local bond election provided that clear language was included in the local bond that specifically identified the proposed project, and provided that the project meets all laws and regulations of the SFP.

If a district wishes to amend its Approved Application to include or increase its use of grants request after the submittal to the OPSC, the district must request in writing that the Approved Application be withdrawn and removed from the OPSC workload list. The resubmitted application will receive a new processing date by the OPSC.

The New Construction Grant amount provided shall be determined based on the grant amount provided in Education Code Section 17072.10 for the grade level that generated the eligibility and any New Construction Additional Grant or New Construction Excessive Cost Hardship Grant the district qualifies for as provided by these regulations.

Section 1859.82. Facility Hardship.

A district is eligible for facility hardship funding to replace or construct new classrooms and related facilities if the district demonstrates there is an unmet need for pupil housing or the condition of the facilities, or the lack of facilities, is a threat to the health and safety of the pupils. A facility hardship is available for:

- (a) New classrooms and/or subsidiary facilities (corridors, toilets, kitchens and other non-classroom space) or replacement facilities if either (1) or (2) are met:
 - (1) The facilities are needed to ensure the health and safety of the pupils if the district can demonstrate to the satisfaction of the Board that the health and safety of the pupils is at risk. Factors to be considered by the Board shall include the

close proximity to a major freeway, airport, electrical facility, high power transmission lines, dam, pipeline, industrial facility, adverse air quality emission or other health and safety risks, including structural deficiencies required by the Division of the State Architect to be repaired, traffic safety or because the pupils reside in remote areas of the district and transportation to existing facilities is not possible or poses a health and safety risk.

If the request is for replacement facilities, a cost/benefit analysis must be prepared by the district and submitted to the OPSC that indicates the total costs to remain in the classroom or related facility and mitigate the problem is at least 50 percent of the Current Replacement Cost of the classroom or related facility. The cost/benefit analysis may include applicable site development costs as outlined in Section 1859.76. If the cost to remain in the classroom or related facility is less than 50 percent of the Current Replacement Cost, the district may qualify for a Modernization Excessive Cost Hardship Grant for rehabilitation costs pursuant to Section 1859.83 (e).

If the request is for replacement facilities that included structural deficiencies, the cost/benefit analysis must also include a report from a licensed design professional identifying the minimum work necessary to obtain Division of the State Architect approval. The report must contain a detailed cost estimate of the repairs. The report and cost estimate shall be subject to review by the OPSC for conformance with the Saylor Current Construction Cost Publication and, at the OPSC's discretion, the Division of the State Architect.

- (2) The classroom or related facility was lost or destroyed as a result of a disaster such as fire, flood or earthquake and the district has demonstrated satisfactorily to the Board that the classroom or related facility was uninsurable or the cost for insurance was prohibitive.

If the district qualifies for a new or replacement school pursuant to either (1) or (2) above, the district is eligible for a New Construction Grant as a new construction project for the lesser of the pupils housed in the replaced facility based on loading standards pursuant to Education Code Section 17071.25(a)(2) or the latest CBEDS enrollment at the site.

If the district qualifies for replacement facilities on the same site pursuant to either (1) or (2) above, the district is eligible for funding as a new construction project. Replacement facilities shall be allowed in accordance with the square footage amounts provided in the chart in Section (b) below. If the facility eligible for replacement is not shown in the chart in Section (b) below, the replacement facility shall be limited to the square footage replaced. The grant amount provided shall be \$173.30 per square foot for Toilet Facilities and \$96.30 per square foot for all other facilities. Additional funding may be provided for applicable site development costs pursuant to Section 1859.76, New Construction Excessive Cost Hardship Grant(s) pursuant to Section 1859.83(a), (b) or (d), therapy room pursuant to Section 1859.72, multilevel construction pursuant to Section 1859.73 and project assistance pursuant to Section 1859.73.1. The amounts shown will be adjusted annually in the manner prescribed in Section 1859.71.

Any grants provided pursuant to either (1) or (2) above will be reduced for any space deemed available by the Board in the district, the HSAA or Super HSAA that could be used to house some or all of the displaced pupils, fifty percent of any insurance proceeds collectable by the district for the displaced facilities and fifty percent of the net proceeds available from the disposition of any displaced facilities.

- (b) A multi-purpose room, toilet, gymnasium, school administration or library/media center, facility that meets all the following:
 - (1) The facility was lost or destroyed as a result of a disaster, including but not limited to fire, flood or earthquake.
 - (2) The facility is no longer useable for school purposes as recommended by the California Department of Education and approved by the Board.
 - (3) The district has demonstrated satisfactorily to the Board that the facility was uninsurable or the cost of insurance was prohibitive.

If the district qualifies, the district is eligible for funding as a new construction project. The funding amount provided shall be \$96.30 per square foot for library/media center, school administration, gymnasium and multi-purpose facilities, and/or \$173.30 per square foot for Toilet Facilities. A New Construction Additional Grant may be provided for applicable site development costs pursuant to Section 1859.76, New Construction Excessive Cost Hardship Grant(s) pursuant to Section 1859.83(a) and (d), therapy room pursuant to Section 1859.72, multilevel construction pursuant to Section 1859.73 and project assistance pursuant to Section 1859.73.1. The amounts shown will be adjusted annually in the manner prescribed in Section 1859.71.

Any grants provided pursuant to (b) above, shall be reduced by fifty percent of any insurance proceeds collectable by the district for the displaced facilities and fifty percent of the net proceeds available from the disposition of any displaced facilities.

The square footage provided, after accounting for all useable facilities on the site, shall not exceed the following:

<i>Facility</i>	<i>Elementary School Pupils</i>	<i>Middle School Pupils</i>	<i>High School Pupils</i>
Multi-Purpose (includes food service)	5.3 sq. ft. per pupil minimum 4,000 sq. ft.	5.3 sq. ft. per pupil minimum 5,000 sq. ft.	6.3 sq. ft. per pupil minimum 8,200 sq. ft.
Toilet	3 sq. ft. per pupil minimum 300 sq. ft.	4 sq. ft. per pupil minimum 300 sq. ft.	5 sq. ft. per pupil minimum 300 sq. ft.
Gymnasium (includes shower/locker)	N/A	12.9 sq. ft. per pupil minimum 6,828 sq. ft. maximum 16,000 sq. ft.	15.3 sq. ft. per pupil minimum 8,380 sq. ft. maximum 18,000 sq. ft.
School Administration	3 sq. ft. per pupil minimum 600 sq. ft.	3 sq. ft. per pupil minimum 600 sq. ft.	4 sq. ft. per pupil minimum 800 sq. ft.
Library/Media Center	2.3 sq. ft. per pupil plus 600 sq. ft.	3.3 sq. ft. per pupil plus 600 sq. ft.	4.3 sq. ft. per pupil plus 600 sq. ft.

Any facilities eligible for facility hardship not shown in the above chart or for Alternative Education facilities not provided in Section 1859.77.3(A)(5) shall be eligible for replacement square footage equal to the facilities replaced. For an Alternative Education school eligible for a facility hardship, utilize the square footage provided in Section 1859.77.3(A)(5), with the exception of toilet and administration where the chart above shall be utilized.

A district may request a determination of eligibility for facility hardship funding in advance of project funding.

- (c) A district seeking replaced facilities as a result of either (a) or (b) above must submit Form SAB 50-04 for the replaced facilities:
- (1) Within 18 months if the replacement facilities will be located on the same site.
 - (2) Within 24 months if the replacement facilities will be located on a replacement site.

If an Approved Application for the replaced facility is not accepted within the time periods identified in (c)(1) or (c)(2) above, the Board shall re-review the criteria submitted by the district for replacement of the facility prior to apportionment of the replaced facility.

Amend Section 1859.83. Excessive Cost Hardship Grant.

...

(c) Excessive Cost to Construct a New School Project.

- (1) With the exception of Alternative Education schools for which the final plans and specifications for the project were accepted by the DSA on or after August 27, 2003, if the project is for a new elementary, middle or high school on a site with no existing school facilities the district is eligible for a New Construction Excessive Cost Hardship Grant equal to the difference in the amount provided by the New Construction Grant and the amount shown below, based on the number of classrooms, including classrooms used for Individuals with Exceptional Needs, in the project:

Class-rooms in project	Elementary School	Middle School	High School
1	\$160,000	\$674,000	\$1,466,000
2	\$377,000	\$756,000	\$1,525,000
3	\$566,000	\$840,000	\$1,885,000
4	\$717,000	\$932,000	\$2,205,000
5	\$842,000	\$1,028,000	\$2,428,000
6	\$1,021,000	\$1,125,000	\$2,651,000
7	\$1,202,000	\$1,222,000	\$2,874,000
8	\$1,341,000	\$1,328,000	\$3,046,000
9	\$1,341,000	\$1,440,000	\$3,184,000
10	\$1,577,000	\$1,553,000	\$3,321,000
11	\$1,577,000	\$1,666,000	\$3,459,000
12	\$1,660,000		\$3,585,000
13			\$3,709,000
14			\$3,833,000
15			\$3,958,000
16			\$4,082,000
17			\$4,207,000
18			\$4,331,000
19			\$4,455,000
20			\$4,580,000
21			\$4,704,000
22			\$4,828,000

The amounts shown above will be adjusted annually in the manner prescribed in Section 1859.71.

Any Excessive Cost Hardship Grant provided under this subsection for a new school project shall be offset against future New Construction Grant funds provided for that same school. The amount of the offset shall be determined by dividing the additional New Construction Grant pupil request by the difference in the New Construction Grant pupil request when the initial Excessive Cost Hardship Grant was made and 325 for an elementary school, 324 for a middle school, and 621 for a high school project and multiplying the quotient by the Excessive Cost Hardship Grant funds provided under this subsection for that project.

(2) Excessive Cost Hardship Grants for Alternative Education schools for which the final plans and specifications for the project were accepted by the DSA on or after August 27, 2003 may be requested as follows:

(A) If the project is for an Alternative Education school on a site with no existing school facilities, the district is eligible for a New Construction Excessive Cost Hardship Grant equal to the difference in the amount provided by the New Construction Grant and the amount shown below, based on the number of classrooms in the project:

No. of Classrooms	New School Allowance
1	\$434,700
2	\$527,400
3	\$902,070
4	\$1,007,100
5	\$1,114,830
6	\$1,222,650
7	\$1,330,380

8	\$1,438,200
9	\$1,545,930
10	\$1,653,660
11	\$2,120,760
12	\$2,234,970
13	\$2,349,270
14	\$2,463,480
15	\$2,577,690
16	\$2,691,990
17	\$2,806,200
18	\$2,920,500
19	\$3,034,710
20	\$3,148,920
21	\$3,263,220
22	\$3,377,430
23	\$3,491,730
24	\$3,605,940
25	\$3,720,150
26	\$3,834,450
27	\$3,948,660

The amounts shown will be adjusted annually in the manner prescribed in Section 1859.71.

(B) If the project is for additional classroom(s) to an existing Alternative Education school, constructed under the provision of 1859.83(c)(2), the district is eligible for a New Construction Excessive Cost Hardship Grant calculated as follows:

1. Determine the amount as shown in the chart above in Section 1859.83(c)(2)(A) for the total combined number of classrooms in the current project and for all previous projects at the same site. In the first occurrence when the total number of classrooms exceed 27, the amount shown for 27 classrooms shall be used.
2. Subtract the sum of the amount previously apportioned for the New Construction Grant and the funding provided pursuant to Section 1859.83(c)(2) for the sum of the number of classrooms for all previous projects at the same site (exclude the classrooms in the current project) from (B)1.
3. Subtract the New Construction Grant for the current project from the result in (B)2.

...

Amend Section 1859.145. Preliminary Apportionment Determination.

The Preliminary Apportionment shall be equal to the sum of the following:

- (a) The amounts shown below for each pupil included in a Preliminary Application:
 - (1) \$5,226.82 for each elementary school pupil.
 - (2) \$5,533.65 for each middle school pupil.
 - (3) \$7,225.94 for each high school pupil.
 - (4) \$16,653.06 for each pupil that is a Severely Disabled Individual with Exceptional Needs.
 - (5) \$11,137.37 for each pupil that is a Non-Severely Disabled Individual with Exceptional Needs.
- (b) An amount equal to 12 percent of the amount determined in (a) for multilevel construction, if requested by the district.

- (c) An amount equal to one-half of the site acquisition value determined in Section 1859.145.1.
- (d) An amount for site development cost determined, at the option of the district, by one of the following:
 - (1) One-half of the Site Development Cost for the specific site as authorized by Section 1859.76.
 - (2) One-half of the Site Development Cost as authorized by Section 1859.76 using historical information in the General Location. Historical information that may be considered to determine this estimated cost may include prior SFP projects of the district or other districts in the General Location.
 - (3) \$70,000 multiplied by the proposed acres requested on the Form SAB 50-08 or Form SAB 50-09, as appropriate.
- (e) If the Preliminary Application request is for a ~~small~~ new school on a site with no existing school facilities, an amount equal to the difference in the amount determined in (a) and the amount shown in the Chart in Section 1859.83(c). To determine the number of classrooms in the proposed project, divide the number of pupils requested on Form SAB 50-08 or Form SAB 50-09, as appropriate, by 25 for General Education elementary school pupils, 27 for General Education middle and high school pupils, 18 for Alternative Education elementary, middle, and high school pupils, 13 for Non-Severely Disabled Individuals with Exceptional Needs and 9 for Severely Disabled Individuals with Exceptional Needs. Round up.
- (f) An amount due to urban location, security requirements and impacted site equal to 15 percent of the amount determined in (a) for a site that is 60 percent of the CDE recommended site size plus 1.166 percent for each percentage decrease in the CDE recommended site size below 60 percent when the following criteria are met:
 - (1) The district has requested an increase for multilevel construction pursuant to (b) above.
 - (2) The Useable Acres of the existing and/or proposed site are 60 percent or less of the CDE recommended site size determined multiplying the sum of the pupil grants requested on Form SAB 50-08 or Form SAB 50-09, as appropriate, and the current CBEDS enrollment on the site (if applicable) by .01775 for elementary school pupils, .021 for middle school pupils and .02472 for high school pupils. For purposes of this calculation, assign Severely Disabled Individuals with Exceptional Needs and Non-Severely Disabled Individuals with Exceptional Needs pupil grants requested on Form SAB 50-08 or Form SAB 50-09, as appropriate, as either elementary, middle or high school pupils based on the type of project selected by the district on Form SAB 50-08 or Form SAB 50-09, as appropriate. For purposes of COS projects, if the site for which the Preliminary Apportionment is requested is a Source School, for purposes of assigning Qualifying Pupils in the Preliminary Application, subtract those Qualifying Pupils from the current CBEDS enrollment on the site before completing this calculation.
- (3) The value of the property as determined in Section 1859.145.1(a) is at least \$750,000 per Useable Acre. This criterion does not apply to an application for an addition to an existing school site.
- (g) An amount for the geographic location of the proposed project equal to the sum of the amounts determined in (a), (b), (d)(3), (e) and (f) multiplied by the indicated percentage factor in the Geographic Percentage Chart shown in Section 1859.83(a).
- (h) For purposes of COS projects, an amount equal to 12 percent of the sum of the amounts determined in (a) through (g) for all Preliminary Applications received no later than May 1, 2003. For purposes of Charter School projects, an amount equal to 12 percent of the sum of the amounts determined in (a) through (g) for all Preliminary Charter School Applications received no later than March 31, 2003.
- (i) If the district qualifies for financial hardship assistance pursuant to Section 1859.81 at the time of submittal of the Preliminary Application, an amount equal to the sum of the amounts determined in (a) through (h) less any district funds determined available for the project pursuant to Section 1859.81(a). Districts must meet the financial hardship criteria pursuant to Section 1859.81 at the time the request is made to convert the Preliminary Apportionment to a Final Apportionment, including an accountability of any district contribution made available at the time of the Preliminary Apportionment was made, in order to continue with financial hardship assistance for the project.
- (j) If the district received an apportionment prior to November 5, 2002 pursuant to Section 1859.81.1(e), an amount equal to the sum of the amounts determined in (a) through (i) less the previously authorized apportionment amount.

The amounts shown in (a) shall be adjusted annually in a manner prescribed in Section 1859.71.

ATTACHMENT C

Examples How Attachment A Square Footage Recommendations are the Basis of the
New School Allowance for Alternative Education Schools

Square Footage Calculations

No. Class-rooms	Pupils		Facility Square Footage (1,030 x No. Ctrs)	Multi-purpose`	Toilet	Admin	Office/Conf etc.	Library	Total Square Footage *
	Minimum	Maximum							
2	19	36	2,060	2,500	300	1,000	-	0	5,860
6	91	108	6,180	4,000	540	800	1,000	1,065	13,585
15	253	270	15,450	7,200	1,350	1,880	1,000	1,761	28,641

* Provides benefit of maximum number of pupils per classroom in each square footage category.

New School Allowance for an Initial Alternate Education School Application

No. Class-rooms	Pupils		Facility Square Footage	Multiplied by \$90/sq.ft.**	New School Allowance
	Minimum	Maximum			
2	19	36	5,860	90	\$ 527,400
6	91	108	13,585	90	\$ 1,222,650
15	253	270	28,641	90	\$ 2,577,690

** The 1998 SFP high school grant of \$7,200 divided by an average of 80 square foot per pupil.

ATTACHMENT D

ALTERNATIVE EDUCATION		
NEW SCHOOL GRANT		
Classrooms	1998 Additional Grant New School Allowance*	Additional Grant New School Allowance Effective 1-1-03
1	\$ 434,700	\$ 488,224
2	\$ 537,400	\$ 603,568
3	\$ 902,070	\$ 1,013,139
4	\$ 1,007,100	\$ 1,131,102
5	\$ 1,114,830	\$ 1,252,095
6	\$ 1,222,650	\$ 1,373,192
7	\$ 1,330,380	\$ 1,494,187
8	\$ 1,438,200	\$ 1,615,282
9	\$ 1,545,930	\$ 1,736,277
10	\$ 1,653,660	\$ 1,857,270
11	\$ 2,120,760	\$ 2,381,884
12	\$ 2,234,970	\$ 2,510,156
13	\$ 2,349,270	\$ 2,638,529
14	\$ 2,463,480	\$ 2,766,802
15	\$ 2,577,690	\$ 2,895,074
16	\$ 2,691,990	\$ 3,023,446
17	\$ 2,806,200	\$ 3,151,721
18	\$ 2,920,500	\$ 3,280,094
19	\$ 3,034,710	\$ 3,408,367
20	\$ 3,148,920	\$ 3,536,639
21	\$ 3,263,220	\$ 3,665,011
22	\$ 3,377,460	\$ 3,793,318
23	\$ 3,491,730	\$ 3,921,657
24	\$ 3,605,940	\$ 4,049,931
25	\$ 3,720,150	\$ 4,178,203
26	\$ 3,834,450	\$ 4,306,576
27	\$ 3,948,660	\$ 4,434,848

ATTACHMENT E

New Alternative Education School Offset Example

INITIAL FUNDING - New Alternative Education School 2 classrooms, 36 pupil High School

	<i>New Proposal</i>
	<i>Amounts</i>
Base Grant	\$ 291,096
New School Grant	\$ 312,472
Total	\$ 603,568*

SUBSEQUENT FUNDING REQUEST - 3 Additional Classroom Request (54 Pupils)

	<i>New Proposal</i>
	<i>Amounts</i>
New School Amount for Total CR's	\$ 1,252,095
Offset New School Amount for All Previous CR's	\$ (603,568)
Subtract Current Project's Base Grant	\$ (436,644)
New School Grant Funding for this Project	\$ 211,883
Base Grant for this Project	\$ 436,644
Base Grant and New School Funding for this Project*	\$ 648,527 *

SUBSEQUENT FUNDING REQUEST – 4 Additional Classroom Request (72 Pupils)

	<i>New Proposal</i>
	<i>Amounts</i>
New School Amount for Total CR's	\$ 1,736,277
Offset New School Amount for All Previous CR's	\$ (1,252,095)
Subtract Current Project's Base Grant	\$ (582,192)
New School Grant Funding for this Project	\$ (98,010)
Base Grant for this Project	\$ 582,192
Base Grant and New School Funding for this Project*	\$ 484,182 *

***IMPORTANT NOTE:** In addition to the amount shown, each project can access all excessive costs and additional grants for which it would otherwise be eligible, (i.e., small school, geographic, urban, multistory, project assistance, site development, site acquisition, etc.).

GENERAL INFORMATION

As part of the district's request for new construction funding under the School Facility Program (SFP), a determination of the district's existing school building capacity must be made. This one time report and the Form SAB 50-01 are used to calculate the district's eligibility for SFP new construction funding. Once the district's existing school building capacity has been determined on this form, a determination of the district's baseline eligibility may be made, by completion of the Form SAB 50-03.

The following documentation is necessary and must be submitted with this form:

- A drawing of each school site within the boundaries of the district or the high school attendance area (HSAA) or Super HSAA that identifies all permanent and portable classrooms on the site that are included in the gross classroom inventory pursuant to Section 1859.31.
- A summary of each school site that identifies each classroom that qualifies for exclusion pursuant to Section 1859.32.
- A summary of all classrooms and exclusions for all sites within the district, the HSAA or Super HSAA (as appropriate).

A high school district, unified school district, or county superintendents of schools may file on a HSAA or Super HSAA basis as provided under Education Code Section 17071.76 and

Section 1859.41. In that case, the facilities in that HSAA or Super HSAA shall be reported on this form.

After the Board has determined the initial baseline eligibility, this form is used to adjust that baseline eligibility pursuant to Section 1859.51 for the following:

- A change in the classroom inventory that was reported at the time the district requested its initial determination of existing school building capacity as a result of special day class or Alternative Education loading.
- Errors and/or omissions of the classroom inventory that was reported at the time the district requested its initial determination of existing school building capacity.
- A change in the classroom inventory of the district as a result of a reorganization election.

This form is not used for modernization eligibility or funding applications.

For a list of the documents that must be submitted in order for the Office of Public School Construction (OPSC) to deem an eligibility request for new construction complete and ready for OPSC processing, consult the OPSC Web site at www.opsc.dgs.ca.gov.

SPECIFIC INSTRUCTIONS**Part I—Classroom Inventory**

Indicate if this request is for a new or adjusted Existing School Building Capacity determination. The district must first prepare a gross classroom inventory and make adjustment to the inventory pursuant to Sections 1859.31 and 1859.32. Contact the OPSC Web site at www.opsc.dgs.ca.gov for an Excel worksheet for preparation of this inventory. To assure timely processing of your application, districts must provide drawing(s) of each school site within the district, the HSAA or Super HSAA with the eligibility request to the OPSC (if not previously submitted to the OPSC). The drawing(s) must identify all permanent and portable classrooms and the specific reason why any classroom was excluded from the inventory pursuant to Section 1859.32. Label each site as General Education or Alternative Education.

Once the classroom inventory has been prepared, identify the classrooms in that inventory as follows:

Lines 1–6, report those classrooms included in the inventory that meet the definition of portable as provided by subdivision (k) of Education Code Section 17070.15 as follows:

1. Leased under the provisions of the State Relocatable Program. This includes portables approved for purchase, but with outstanding payments.*
2. Leased or lease-purchased for less than five years. Include interim housing portables lease-purchased for less than five years.
3. Leased for interim housing purposes for less than five years.†

4. Leased for interim housing for five years or more.‡
5. Leased or lease-purchased for five years or more. Include interim housing portables lease-purchased for five years or more.
6. Owned, including those acquired under the State Relocatable Program (i.e., no outstanding payments). Include interim housing portables owned.
7. Report the remaining classrooms in the inventory that do not meet the "Portable" definition that were reported on lines 1–6.

When reporting classrooms, identify each classroom based on its most typical use for grades K–6, 7–8, 9–12 or non-severely disabled individuals with exceptional needs (non-severe) and severely disabled individuals with exceptional needs (severe). If this request is to adjust the inventory for non-severe, or severe, or Alternative Education pupil loading, the total classrooms reported must be equal to the classrooms reported at the time of the district request for initial determination of existing school building capacity. In no event may the number of classrooms reported for non-severe or severe pupils exceed the number of classrooms needed to house the projected number of non-severe and severe pupils shown on the Form SAB 5001 using loading standards of 13 pupils for non-severe and 9 pupils for severe classrooms.

Continuation high classrooms must be counted as 9–12 teaching stations.

*State Relocatable Classrooms approved for purchase by the Board shall be deemed owned by the district when the final lease payment is made to the Board, otherwise it is deemed to be leased, not lease-purchased.

†Interim housing is defined as temporary classrooms used for modernization, therefore only portables leased may be considered interim. Lease-purchase agreements are not acceptable.

EXISTING SCHOOL BUILDING CAPACITY**SCHOOL FACILITY PROGRAM**

SAB 50-02 (REV 09/02/08/03)

Part II—Available Classrooms

Once all classrooms have been identified and reported as either permanent or portable in Part I, the district may use one of two options for determining the final count of available classrooms which will be used to calculate the “existing school building capacity” of the district, the HSAA or Super HSAA.

Option A

Report the classrooms in Part I as reported on lines 4, 5, 6 and 7. Enter the totals on line e for grades General Education K–6, 7–8, 9–12, Alternative Education K–6, 7–8, 9–12, non-severe or severe.

Option B

- Enter the totals of all classrooms reported in Part I, line 8 as either General Education K–6, 7–8, 9–12, Alternative Education K–6, 7–8, 9–12, non-severe or severe.
- Enter the total number of all portable classrooms reported in Part I, lines 1, 2, 5 and 6.
- In the total column, report 25 percent of the total permanent classrooms reported in Part I, line 7. Round up.
- Subtract the total of line c from the total of line b and assign the total portables as either General Education K–6, 7–8, 9–12, Alternative Education K–6, 7–8, 9–12, non-severe or severe. Assignment of classrooms must be proportionate to the portable classrooms reported on lines 1, 2, 5, and 6 of Part I for each grade group category. Classrooms assigned at a grade group to a category cannot exceed the classrooms reported for that grade group column on line a.
- Subtract line d from line a for grades K–6, 7–8, 9–12, non-severe or severe.

Unless specifically requested by the district, the OPSC will use the “total” of Option A or Option B that minimizes the existing school building capacity of the district, the HSAA or Super HSAA.

Part III—Determination of Existing School Building Capacity

- Subtotal Classroom Capacity—After determining the lesser of the totals on line e of Option A or Option B in Part II, multiply the General Education K–6 classroom total by 25, the General Education 7–8 and 9–12 classroom totals by 27, the Alternative Education K–6, 7–8, 9–12 classroom totals by 18, the non-severe classrooms by 13 and the severe classrooms by 9, for the option selected.
- Total Classroom Capacity—Enter the sum of the General Education and Alternative Education classrooms for each grade group.
- SER Adjustment—Enter one of the following:
 - 6 percent of the K–6 pupil capacity as reported on line 12, and 6 percent of the K–6 non-severe and severe classroom capacity for elementary and unified districts or unified districts filing on a HSAA or Super HSAA. The K–6 non-severe and severe classroom capacity shall be determined by applying a ratio of the K–6 classroom capacity reported on line 12 to the K–12 classroom capacity reported on line 12 multiplied by the non-severe and severe classroom capacity reported on line 12. Unified districts may allocate the 6 percent amount at any grade group.
 - Indicate zero (0) if the elementary or unified district meets the substantial enrollment requirement (SER) or the district qualifies for waiver of the SER authorized by Education Code Sections 17017.6 and 17017.7 (c).
 - Indicate zero (0) if applicant is a high school district.
- Operational Grants (OG)—Enter the number of students in grade groups K–6, 7–8, 9–12, non-severe or severe that were included in the latest report by the California Department of Education (CDE) pursuant to Education Code Section 42268 for that district, less the number of pupils at a school on multi-track year round enrollment (MTYRE) calendar that has a density of at least 200 pupils per acre when the district has at least 40 percent of its enrollment on MTYRE as of the date of determination of the existing school building capacity of the district.
- Report the greater of the totals of grade groups K–6, 7–8, 9–12, non-severe and severe for line 23 or 34.
- Total—Enter the total of lines 12 and 45. This represents the “existing school building capacity” of the district, the HSAA or Super HSAA.

EXISTING SCHOOL BUILDING CAPACITY

SCHOOL FACILITY PROGRAM

SAB 50-02 (REV 09/0208/03)

SCHOOL DISTRICT	FIVE-DIGIT DISTRICT CODE NUMBER (SEE CALIFORNIA PUBLIC SCHOOL DIRECTORY)
COUNTY	HIGH SCHOOL ATTENDANCE AREA (HSAA) OR SUPER HSAA (IF APPLICABLE)

Part I—Classroom Inventory
☐ NEW ☐ ADJUSTED

	K-6		7-8		9-12		Special Day Class		Total
	Gen Ed	Alt Ed	Gen Ed	Alt Ed	Gen Ed	Alt Ed	Non-Severe	Severe	
Line 1. Leased State Relocatable Classrooms									
Line 2. Portable Classrooms leased less than 5 years									
Line 3. Interim Housing Portables leased less than 5 years									
Line 4. Interim Housing Portables leased at least 5 years									
Line 5. Portable Classrooms leased at least 5 years									
Line 6. Portable Classrooms owned by district									
Line 7. Permanent Classrooms									
Line 8. Total Part I (Lines 1 through 7)									

Part II—Available Classrooms**Option A**

	K-6		7-8		9-12		Special Day Class		Total
	Gen Ed	Alt Ed	Gen Ed	Alt Ed	Gen Ed	Alt Ed	Non-Severe	Severe	
a. Part I, Line 4									
b. Part I, Line 5									
c. Part I, Line 6									
d. Part I, Line 7									
e. Total (a, b, c and d)									

Option B

a. Part I, Line 8									
b. Part I, Lines 1, 2, 5 and 6 (total only)									
c. 25 Percent of Part I, Line 7 (total only)									
d. Subtract c from b (enter 0 if negative)									
e. Total (a minus d)									

Part III—Determination of Existing School Building Capacity

	K-6		7-8		9-12		Special Day Class	
	Gen Ed	Alt Ed	Gen Ed	Alt Ed	Gen Ed	Alt Ed	Non-Severe	Severe
Line 1. Subtotal Classroom Capacity								
Line 2. Total Classroom Capacity								
Line 23. SER Adjustment								
Line 34. Operational Grants								
Line 45. Greater of Line 3 or 4								
Line 56. Total of Lines 2 and 5								

I certify, as the District Representative, that the information reported on this form is true and correct and that:

- I am designated as an authorized district representative by the governing board of the district; and,
- This form is an exact duplicate (verbatim) of the form provided by the Office of Public School Construction (OPSC). In the event a conflict should exist, then the language in the OPSC form will prevail.

SIGNATURE OF DISTRICT REPRESENTATIVE	DATE
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GENERAL INFORMATION

This form is used by the School District to calculate the district's eligibility for new construction and modernization funding under the School Facility Program (SFP). The business address entered on the application should be the location that the school district wishes the Office of Public School Construction (OPSC) to mail all correspondence regarding this application.

Part I

Complete to designate or change the authorized district representative and/or alternate. Should this be the case, complete the school district information, identify the district representative(s) in Part I and complete the district certification information at the bottom of the form, including the date the district's governing board took appropriate action.

Part II

Complete for new construction baseline eligibility determination. This part is also used to request an adjustment to an approved new construction baseline eligibility as a result of subdivisions (f), (k), ~~and (l)~~ and (o) of Section 1859.51 due to either errors or omissions of information submitted by the district when it requested the initial baseline eligibility, because of a reorganization election that has changed the classroom inventory of the district or to change the classroom inventory that was reported at the time the district requested its initial determination of existing school building capacity as a result of special day class or Alternative Education classroom loading. The following documentation is necessary to determine new construction baseline eligibility and must be submitted with this form:

- A completed Form SAB 50-01 based on the latest enrollment data.
- A completed Form SAB 50-02.

Part III

Complete for modernization baseline eligibility determination at a specific site. Districts must be able to provide a drawing of the site where eligibility for modernization is generated with its request for an eligibility determination. The drawing must identify all permanent and

portable classrooms on the site and their ages. If the district intends to use the square footage method in Option B, the drawings must also identify the square footage of all facilities on the site. Part III is also used to request an adjustment to the approved baseline eligibility at a specific site as a result of subdivisions (c), (d), (e), ~~and (g)~~ and (i) of Section 1859.61 due to either an increase in enrollment, additional facilities becoming at least 20/25 years old, because of errors or omissions of information submitted by the district when it requested the initial baseline eligibility for the site or to change the classroom inventory that was reported at the time the district requested its initial determination of existing school building capacity as a result of special day class or Alternative Education classroom loading. The following documentation is necessary (if not previously submitted to the OPSC) to determine modernization baseline eligibility and must be submitted with this form (as appropriate):

- Site diagram of school where modernization funding is requested. The diagram must indicate the ages and number of all permanent and portable classrooms on the site in accordance with the gross classroom inventory as provided by Section 1859.31.
- If the modernization eligibility will be determined by Option B, the site drawings must also include square footage and/or dimensions of all buildings on the site.

It is not necessary to complete Part III if the district is only requesting funding for new construction and it is not necessary to complete Part II if the district is only requesting funding for modernization.

A district may request that eligibility for new construction or modernization be reviewed and approved by the Board pursuant to Section 1859.20 prior to submitting Form SAB 50-04 to the Board.

For a list of the documents that must be submitted in order for the OPSC to deem an eligibility request for new construction or modernization complete and ready for OPSC processing, consult the OPSC Web site at www.opsc.dgs.ca.gov.

SPECIFIC INSTRUCTIONS**Part I—District Representative Information**

Enter the name(s) of district employee(s) that can act on behalf of the district's board. A consultant who is on contract with the district to communicate with the OPSC on behalf of the district's board may be listed. The designee of the Superintendent of Public Instruction shall file modernization applications on behalf of the California Schools for the Deaf and Blind.

Part II—New Construction Eligibility Determination

Indicate if this request is for a new or adjusted eligibility determination. Enter the district-wide information unless filing on a High School Attendance Area (HSAA) or Super HSAA basis. The enrollment projection and the existing school building capacity data are obtained from information reported and determined on the Form SAB 50-01 and the Form SAB 50-02. Once the OPSC has verified the information provided on these forms, it will automatically be transferred to this form to determine the district's eligibility for new construction. The district may manually enter the information from these forms and compute its eligibility; however, it may be adjusted by the OPSC based on verification of Form SAB 50-01 and Form SAB 50-02.

1. Enter the five year projected enrollment as shown in Part G of Form SAB 50-01 for grades K–6, 7–8, 9–12 and for the total of non-severe and severe special day class (SDC) projected enrollment.

2. Enter the amounts on Form SAB 50-02, Part III, line 56 for grades K–6, 7–8, 9–12, non-severe and severe.
3. New construction eligibility (i.e., the "baseline eligibility") is determined by subtracting the existing school building capacity (line 2) from the projected five year enrollment (line 1). Report negative numbers in brackets.

Adjustments to the district's new construction baseline eligibility will be made by the OPSC pursuant to Section 1859.51. Contact your project manager at the OPSC for the adjusted baseline eligibility for future request for new construction grants.

Part III—Modernization Eligibility Determination

Modernization eligibility is calculated based on information at a specific site when modernization SFP grants are requested within the district. Therefore, completion of Form SAB 50-01 and Form SAB 50-02, are not needed to determine eligibility for modernization funding. Since the eligibility is site specific, the district must submit a separate Form SAB 50-03 for each site for which it is requesting modernization funding. Indicate if this request is for new baseline eligibility determination or for an adjustment to an approved baseline eligibility as a result of Section 1859.61. Specify whether or not the site is an Alternative Education school.

ELIGIBILITY DETERMINATION**SCHOOL FACILITY PROGRAM**

SAB 50-03 (REV 01/08/03)

The district may use one of two options to calculate its modernization eligibility at a specific site within the district. The district may select only one option. To assure timely processing of the application, districts must provide a drawing of the site (if not previously submitted to the OPSC) where modernization funds are generated with the eligibility request to the OPSC. The drawing must identify all permanent and portable classrooms and their ages on the site. If the square footage of Option B is selected, the drawings must also identify the square footages of all facilities on the site. In item 1, enter the school site name from the California Public School Directory published by the California Department of Education. For purposes of determining the age of the building for modernization funding, the 25/20 year period shall begin 12 months after the plans for the building were approved by the Division of the State Architect.

1. Enter school name.

Option A

2. Enter the number of permanent classrooms by grade level at the school site that would have been included in the Gross Classroom Inventory pursuant to Section 1859.31 that are at least 25 years old that were not previously modernized with Lease-Purchase Program (LPP) State funds. Include permanent classrooms previously reported as at least 25 years old. If the school is a 6-8 middle school only, then report all classrooms at the 7-8 grade level. If this request is to adjust the classrooms reported for non-severe or severe pupil loading, the total classrooms reported must be equal to the classrooms reported at the time of the district request for initial modernization baseline eligibility. In no event may the number of classrooms reported for non-severe or severe pupils exceed the number of classrooms needed to house non-severe and severe pupils as reported on line 6 using loading standards of 13 for non-severe and 9 for severe classrooms. For purposes of the California Schools for the Deaf and Blind, the loading standard for these severe pupils shall be 9.
3. Enter the total number of portable classrooms by grade level at the school site that would have been included in the Gross Classroom Inventory pursuant to Section 1859.31 that are at least 20 years old that were not previously modernized with LPP State funds. Include portable classrooms previously reported as at least 20 years old. If the school is a 6-8 middle school only, then report all classrooms at the 7-8 grade level. If this request is to adjust the classrooms reported for non-severe or severe pupil loading, the total classrooms reported must be equal to the classrooms reported at the time of the district request for initial modernization baseline eligibility. In no event may the number of classrooms reported for non-severe or severe pupils exceed the number of classrooms needed to house non-severe and severe pupils as reported on line 6 using loading standards of 13 for non-severe and 9 for severe classrooms.
4. Add lines 2 and 3 by the grades shown.

5. For General Education schools, multiply line 4 by 25 for K-6, 27 for 7-8 and 9-12, 13 for non-severe and 9 for severe. For Alternative Education schools, multiply line 4 by 18 for K-6, 7-8 and 9-12, 13 for non-severe and 9 for severe.
6. Enter the latest California Basic Educational Data Systems (CBEDS) enrollment for the school site identified as it would have been reported utilizing the criteria in Parts A, B and C of Form SAB 50-01. Report continuation high pupils as 9-12. If the school is a 6-8 middle school only, report 6th graders as 7-8.
7. Modernization eligibility (i.e., the baseline eligibility) is the lesser of each column of lines 5 or 6.

Option B

2. Enter the total number of permanent classrooms at the school site that would have been included in the Gross Classroom Inventory pursuant to Section 1859.31 or all permanent square footage at the site that is at least 25 years old that was not previously modernized under the LPP, the SFP or with Proposition 1A funds.
3. Enter the total number of portable classrooms at the school site that would have been included in the Gross Classroom Inventory pursuant to Section 1859.31 or all portable square footage at the site that is at least 20 years old that was not previously modernized under the LPP, the SFP or with Proposition 1A funds.
4. Add lines 2 and 3.
5. Enter the remaining number of permanent and portable classrooms at the school site that would have been included in the Gross Classroom Inventory pursuant to Section 1859.31 or all remaining permanent or portable space that is under 25/20 years old.
6. Add lines 4 and 5.
7. Determine the percentage of space on the site that is at least 25/20 years old by dividing line 4 by line 6. Round to four decimal places.
8. Enter the latest CBEDS enrollment for each grade group at the school site identified as it would have been reported utilizing the criteria in Parts A, B and C of Form SAB 50-01. Report continuation high pupils as 9-12. If the school is a 6-8 middle school only, report 6th graders as 7-8.
9. Modernization eligibility (i.e., the baseline eligibility) is determined by multiplying line 7 by each grade group reported in line 8. Round up.

If this request is only to report increases in enrollment at the site for purposes of increasing eligibility, report only the CBEDS enrollment in either Option A or B.

Adjustments to the District's modernization baseline eligibility will be made pursuant to Section 1859.61. These adjustments will automatically be made by the OPSC. Contact your project manager at the OPSC for the adjusted baseline eligibility for future requests for modernization grants at the specific site.

SCHOOL DISTRICT	FIVE-DIGIT DISTRICT CODE NUMBER (SEE CALIFORNIA PUBLIC SCHOOL DIRECTORY)
BUSINESS ADDRESS	HIGH SCHOOL ATTENDANCE AREA (HSAA) OR SUPER HSAA (IF APPLICABLE)
CITY/COUNTY	

Part I—District Representative Information

The following individual(s) have been designated as district representative(s) by school board minutes or the designee of the Superintendent of Public Instruction:

DISTRICT REPRESENTATIVE	TELEPHONE NUMBER	E-MAIL ADDRESS
DISTRICT REPRESENTATIVE	TELEPHONE NUMBER	E-MAIL ADDRESS

Part II—New Construction Eligibility Determination

☐ NEW ☐ ADJUSTED

K-6	7-8	9-12	Non-Severe	Severe

Line 1. Projected Enrollment (Part G, Form SAB 50-01)

Line 2. Existing School Building Capacity (Part III, Line 56 of Form SAB 50-02)

Line 3. New Construction Baseline Eligibility (Line 1 minus Line 2)

Part III—Modernization Eligibility Determination

☐ NEW ☐ ADJUSTED
☐ YES ☐ NO

Is this an Alternative Education school?

K-6	7-8	9-12	Non-Severe	Severe

Line 1. School Name

Option A

Line 2. Permanent classrooms at least 25 years old

Line 3. Portable classrooms at least 20 years old

Line 4. Total (Lines 2 and 3)

Line 5. Multiply Line 4 by: Gen Ed—25 for K-6, 27 for 7-8 and 9-12, 13 for Non-Severe and 9 for Severe
Alt Ed—18 for K-6, 7-8 and 9-12, 13 for Non-Severe and 9 for Severe

Line 6. CBEDS enrollment at school

Line 7. Modernization Eligibility (lesser of each column of Lines 5 or 6)

Option B

Line 2. Permanent space at least 25 years old (report by classroom or square footage)

Line 3. Portable space at least 20 years old

Line 4. Total (Lines 2 and 3)

Line 5. Remaining permanent and portable space (report by classroom or square footage)

Line 6. Total (Lines 24 and 35)

Line 7. Percentage (divide Line 4 by Line 6)

K-6	K-6	K-6	Non-Severe	Severe

Line 8. CBEDS enrollment at school

Line 9. Modernization Eligibility (multiply Line 7 by each grade group reported on Line 8)

I certify, as the District Representative, that the information reported on this form is true and correct and that:

- I am designated as an authorized district representative by the governing board of the district or the designee of the Superintendent of Public Instruction; and,
- A resolution or other appropriate documentation supporting this application under Chapter 12.5, Part 10, Division 1, commencing with Section 17070.10, et seq., of the Education Code was adopted by the School District's Governing Board or the designee of the Superintendent of Public Instruction on _____, _____; and,
- This form is an exact duplicate (verbatim) of the form provided by Office of Public School Construction. In the event a conflict should exist, then the language in the OPSC form will prevail.

SIGNATURE OF DISTRICT REPRESENTATIVE	DATE
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APPLICATION FOR FUNDING**SCHOOL FACILITY PROGRAM**

SAB 50-04 (REV 04/08/03)

GENERAL INFORMATION

Once the Board has determined or adjusted the district's eligibility for either new construction or modernization funding on Form SAB 50-03 the district may file an application for funding by use of this form. If the district has a pending reorganization election that will result in the loss of eligibility for the proposed project, the district may not file an application for funding until the Board has adjusted the district's new construction baseline eligibility as required in Section 1859.51. This may be accomplished by completion of Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03.

For purposes of Education Code Section 17073.25, the California Department of Education (CDE) is permitted to file modernization applications on behalf of the California Schools for the Deaf and Blind.

Requests for funding may be made as follows:

A separate apportionment for site acquisition for a new construction project for environmental hardship pursuant to Section 1859.75.1. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):

- Form 50-01, Form SAB 50-02 and Form SAB 50-03 (if not previously submitted).
- Contingent site approval letter from the CDE.
- Preliminary appraisal of property.
- Approval letter from the Department of Toxic Substances Control.

A separate apportionment for site acquisition and/or design costs for a new construction project pursuant to Section 1859.81.1. This apportionment is available only to districts that meet the financial hardship criteria in Section 1859.81. Districts may apply for a separate apportionment for the design and for site acquisition on the same project. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):

- Form SAB 50-01, Form SAB 50-02, and Form SAB 50-03 (if not previously submitted).
- Contingent site approval letter from the CDE (site apportionment only).
- Preliminary appraisal of property (site apportionment only).

A separate apportionment for district-owned site acquisition cost pursuant to Section 1859.81.2. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):

- Form SAB 50-01, Form SAB 50-02, and Form SAB 50-03 (if not previously submitted).
- Site approval letter from the CDE.
- Appraisal of district-owned site.
- Cost benefit analysis as prescribed in Section 1859.74.6 or a copy of the Board finding that the non-school function on the district-owned site must be relocated.

A separate apportionment for design cost for a modernization project pursuant to Section 1859.81.1. This apportionment is available only to districts that meet the financial hardship criteria in Section 1859.81. For purposes of this apportionment, the Form SAB 50-03 must accompany this form (if not previously submitted).

A New Construction Adjusted Grant pursuant to Section 1859.70. If the funding request includes site acquisition, the proposed site must either be owned by the district, in escrow, or the district has filed condemnation proceedings and received an order of possession of the site. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):

- Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03 (if not previously submitted).
- Site/plan approval letter from the CDE.
- Appraisal of property if requesting site acquisition funds.
- Plans and specifications (P&S) for the project that were approved by the DSA. Submittal of plans may be on CD-ROM or "Zip Drive" readable in AutoCAD 14. The specifications may be provided on a diskette that is IBM compatible.
- Cost estimate of proposed site development, if requesting site development funding.
- ~~School board resolution if requesting more grants than the capacity of the project or to use grant eligibility at another grade level. Refer to Section 1859.77.2.~~

- If this request is pursuant to Section 1859.77.2 and the district's housing plan is other than those listed in the certification section of this form, a copy of the school board resolution and the approved housing plan.
- If the site apportionment is requested pursuant to Regulation Section 1859.74.5, a cost benefit analysis as prescribed in Regulation Section 1859.74.6 or a copy of the Board finding that the non-school function on the district-owned site must be relocated.

Modernization Adjusted Grant pursuant to Section 1859.70. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):

- Form SAB 50-03 (if not previously submitted).
- P&S for the project that were approved by the DSA.
- DSA approval letter for elevator to meet handicapped compliance, if funding is requested.
- Plan approval letter from the CDE.
- Districtwide enrollment data on Form SAB 50-01 when requesting project assistance (if not previously submitted).
- If the request includes funding for 50 year old permanent buildings pursuant to Section 1859.78.6, a site diagram identifying all buildings to be modernized in the project. The diagram must specify those buildings that are at least 50 years old.

Prior to acceptance of an application for funding that includes a financial hardship request, the district must have its financial hardship status "pre-approved" by the Office of Public School Construction (OPSC). To apply for a financial hardship "pre-approval", consult the OPSC Web site at www.opsc.dgs.ca.gov.

If the district is requesting New Construction funding after the initial baseline eligibility was approved by the Board and the district's current CBEDS enrollment reporting year is later than the enrollment reporting year used to determine the district's baseline eligibility or adjusted eligibility, the district must complete a new Form SAB 50-01 based on the current year CBEDS enrollment data, and submit it to the OPSC with this form. A small district with 2,500 or less enrollment as defined in Section 1859.2 will not have its eligibility reduced for a period of three years from the date the district's baseline eligibility was approved by the Board as a result of reduction in projected enrollment.

For a list of the documents that must be submitted in order for the OPSC to deem a funding request for new construction or modernization complete and ready for OPSC processing, consult the OPSC Web site at www.opsc.dgs.ca.gov.

For purposes of completing this form for a Final Charter School Apportionment, a charter school shall be treated as a school district.

SPECIFIC INSTRUCTIONS

The district must assign a Project Tracking Number (PTN) to this project. The same PTN is used by the OPSC, the DSA and the CDE for all project applications submitted to those agencies to track a particular project through the entire state application review process. If the district has already assigned a PTN to this project by prior submittal of the P&S to either the DSA or the CDE for approval, use that PTN for this application submittal. If no PTN has been previously assigned for this project, a PTN may be obtained from the OPSC Web site at www.opsc.dgs.ca.gov "PT Number Generator."

1. Type of Application

Check the appropriate box that indicates the type of School Facility Program (SFP) grant the district is requesting for purposes of new construction, modernization, a separate design and/or site apportionment, site apportionment as an environmental hardship or New Construction (Final Apportionment). If the application is for modernization of a California School for the Deaf and Blind, the CDE shall check the box identified as Modernization of

California Schools for the Deaf/Blind. If the request is for a separate design apportionment, the CDE shall check the appropriate box. If the eligibility for this project was established as a result of the need for new or replacement facilities pursuant to Section 1859.82 (a) and (b), or rehabilitation pursuant to Section 1859.83 (e), check the appropriate box.

If this request is for an addition to an existing site and advance funding for the evaluation and RA costs, check the appropriate box and refer to Section 1859.74.4.

If this request is to convert a Preliminary Apportionment or a Preliminary Charter School Apportionment to a Final Apportionment, check the New Construction (Final Apportionment or Final Charter School Apportionment) box.

If the district is requesting a separate site and/or design apportionment, complete boxes 2a, 3, 4, the site acquisition data in box 5 (d and e), and boxes 12, 13, 14, 15 and 18 only.

2. Type of Project

- a. Select the type of project that best represents this application request and enter the number of pupils assigned to the project for each grade group. Include pupils to be housed in a new or replacement school authorized by Section 1859.82 (a). The amount entered cannot exceed the district's baseline eligibility determined on Form SAB 50-03 and will be the basis for the amount of the new construction or modernization grants provided for the project.

If this request is for a Final Apportionment, the pupils assigned to the project must be at least 75 percent, but not more than 100 percent, of the pupils that received the Preliminary Apportionment. Refer to Section 1859.147.

- b. Check the box if the project is eligible for funding for 50 year or older permanent buildings and report, at the option of the district:
 - The total number of classrooms or the total square footage building area to be modernized as part of the project. Refer to Section 1859.78.6(b)(1)(A) or (b)(2)(A).
 - The total number of permanent classrooms or the total permanent square footage building area to be modernized as part of the project that is at least 50 years old. Refer to Section 1859.78.6(b)(1)(B) or (b)(2)(B).
- c. Indicate if this request is for funding of a 6–8 school and/or an Alternative Education school.
- d. Check the box(es) if the district requests and the project qualifies for additional funding for fire code requirements authorized in Sections 1859.71.2 or 1859.78.4.
- e. Check the applicable box if the district is requesting additional pupil grants assigned to the project that exceed the capacity of the project or if the pupils assigned represent eligibility determined at another grade level and check the appropriate box to indicate under which regulation the district is applying. The pupil capacity of the project may be determined by multiplying the classrooms reported in box 3 by 25 for K–6; 27 for 7–8, 9–12 grades at General Education schools; 18 for K–6, 7–8, 9–12 grades at Alternative Education schools; 13 for non-severe and 9 for severe.
- f. If the request is for replacement facilities pursuant to Section 1859.82 (a) or (b) on the same site, check the facility hardship box.

3. Number of Classrooms

Enter the:

- Number of classrooms as shown on the plans and specifications (P&S). If there was demolition at the site, report the net increase in the number of classrooms showing in the P&S.
- Master plan site size, as recommended by the California Department of Education.
- Recommended site size, as determined by the California Department of Education.
- Existing Useable Acres already owned at that location (if any).
- Proposed Useable Acres that was/will be purchased as part of the application (if any).

4. Financial Hardship Request

Check the box if the district is requesting financial hardship assistance because it is unable to meet its matching share requirement. Refer to Section 1859.81 for eligibility criteria. Districts requesting financial assistance must have received a pre-approval for financial hardship status by the OPSC. Consult the OPSC Web site at www.opsc.dgs.ca.gov for details and necessary documentation needed in order to determine eligibility.

5. New Construction Additional Grant Request

Check the appropriate box(es) if the district requests an augmentation to the new construction grant for “additional” grants for the items listed or for replacement facilities pursuant to Section 1859.82 (a) and (b). Refer to Sections 1859.72 through 1859.76 and 1859.82 (a) and (b) for eligibility criteria. Enter the:

- a. Therapy area in square feet as provided in Section 1859.72.
- b. Multilevel classrooms in the P&S pursuant to Section 1859.73.
- c. Check the box if the district is requesting project assistance pursuant to Section 1859.73.1. If the district has not submitted a request for new construction baseline eligibility on a district-wide basis, it must submit a current Form SAB 50-01 based on district-wide enrollment data with this form.
- d. Indicate the site scenario that best represents the project request. If no RA is required, refer to Section 1859.74. If a RA is required on a site that is not leased or an addition to an existing site, refer to Section 1859.74.2. If RAs are required on a leased site or an addition to an existing site, refer to Sections 1859.74.3 or 1859.74.4, respectively. The limitation of 50 percent may be exceeded when unforeseen circumstances exist, the CDE determines that the site is the best available site, and substantiation that the costs are the minimum required to complete the evaluation and RA.
 - (1) Enter 50 percent of the actual cost.
 - (2) Enter 50 percent of the appraised value of the site. If the request is made pursuant to Regulation Section 1859.74.5, enter 50 percent of the appraised value.
 - (3) Enter 50 percent of the allowable relocation cost.
 - (4) Enter two percent of the lesser of the actual cost or appraised value of the site (minimum \$25,000).
 - (5) Enter 50 percent of the Department of Toxic Substances Control (DTSC) fee for review and approval of the phase one environmental site assessment and preliminary endangerment assessment reports. Refer to Sections 1859.74, 1859.74.1, 1859.74.5, 1859.75, 1859.75.1 and 1859.81.1.

A project that received site acquisition funds under the Lease-Purchase Program (LPP) as a priority two project is not eligible for site acquisition funds under the SFP. A district-owned site acquired with LPP, SFP or Proposition 1A funds is not eligible for funding under Regulation Section 1859.74.5.

- e. Enter 50 percent of the amount allowable for hazardous materials/waste removal and/or remediation for the site acquired pursuant to Sections 1859.74.2, 1859.74.3, 1859.74.4, 1859.75.1 or 1859.81.1. If an RA is required, check the box.
- f. Enter 50 percent of eligible service-site development, off-site development including pedestrian safety paths and utilities costs allowed pursuant to Section 1859.76. Attach cost estimates of the proposed site development work which shall be supported and justified in the P&S. All cost estimates shall reflect 100 percent of the proposed work.
- g. If the district is requesting replacement facilities on the same site, enter the square footage requested as provided in Section 1859.82 (a) or (b).
- h. Enter the square feet of eligible replacement area as provided by Section 1859.73.2.
- i. If the district is requesting an Additional Grant for Energy Efficiency pursuant to Section 1859.71.3, enter the percentage of energy efficiency that exceeds Title 24 requirements as prescribed in Section 1859.71.3 (a)(3).

6. Modernization Additional Grant Request

- Check the box if the district is requesting project assistance allowance pursuant to Section 1859.78.2. If the district has not submitted a request for new construction baseline eligibility on a district-wide basis, it must submit a current Form SAB 50-01 based on district-wide enrollment data with this form.
- If the district is requesting an Additional Grant for Energy Efficiency pursuant to Section 1859.78.5, enter the percentage of energy efficiently that exceeds Title 24 requirements as prescribed in Section 1859.78.5 (a)(3).
- Check the box if the district requests an additional grant for site development utility cost necessary for the modernization of 50 years or older permanent building(s). Enter 60 percent of the eligible costs allowable pursuant to Section 1859.78.7(a).

7. Excessive Cost Hardship Request

Check the appropriate box to request an augmentation to the New Construction or Modernization Grants for an excessive cost hardship for the items listed. Refer to Section 1859.83 for eligibility criteria. Requests for excessive cost grants for a new two-stop elevator(s) and for additional stops in a modernization project are allowed only if required by the Division of the State Architect (DSA). Attach copy of the DSA letter that requires that the elevator(s) be included in the project for handicapped access compliance.

If the request is for the excessive cost grant for a new Alternative Education school pursuant to 1859.83(c)(2) and the district wishes to request less than the maximum allowance, please submit a letter along with this application indicating the amount desired.

If the request is for rehabilitation mitigation, report 80 percent or 60 percent (as appropriate) of health/safety rehabilitation mitigation cost for a modernization project as authorized by Section 1859.83 (e).

8. Project Priority Funding Order

Enter the priority order of this project in relation to other new construction applications submitted by the district on the same date. If applications are not received on the same date, the OPSC will assign a higher district priority to the application received first. Check the box(es) if the project meets the criteria outlined in Section 1859.92(c)(3),(4) and (6), as appropriate. This information is needed for purposes of priority points.

9. Prior Approval Under the LPP

If the project the district is requesting SFP grants for received a Phase P, S, or C approval under the LPP, report the application number of that project, regardless if the project actually received funding or was included on an "unfunded" list. Failure to report this information may delay the processing of the application by the OPSC.

10. Prior Apportionment Under the SFP

If the project received a separate apportionment under the SFP for either site and/or design, or site environmental hardship, enter the application number of the project. Failure to report this information may delay the processing of the application by the OPSC.

11. Preliminary Apportionment Application Number

- If this request is to convert a Preliminary Apportionment to a Final Apportionment, enter the application number of the Preliminary Apportionment. Failure to report this information may delay the processing of the application by the OPSC.
- If this request is to convert a Preliminary Charter School Apportionment to a Final Charter School Apportionment, enter the application number of the Preliminary Charter School Apportionment. Failure to report this information may delay the processing of the application by the OPSC.

12. Alternative Developer Fee

The district must report certain alternative fees collected pursuant to Government Code Section 65995.7, as of the date of application submittal to the OPSC. Refer to Section 1859.77 for details. Districts are advised that the OPSC may perform an audit of the developer fees collected prior to application approval by the Board.

13. Adjustment to Baseline Eligibility

Complete only for new construction projects. Pursuant to Section 1859.51 certain adjustments to the district's new construction baseline eligibility must be made each time a district submits Form SAB 50-04, to the OPSC for SFP grants. These adjustments are made automatically by the OPSC based on information reported by the district on this form.

- Report all additional classroom(s) provided after the district submitted its request for determination of its new construction baseline eligibility for the grades shown, with the exception of a classroom that is/was:
 - A trailer and transportable/towed on its own wheels and axles.
 - Excluded pursuant to Education Code Section 17071.30.
 - Under contract for lease, lease-purchase, or construction prior to January 1, 2000.
 - Under contract for lease, lease-purchase, or construction no more than 180 days before submittal of this form to the OPSC.
 - Included in a SFP project where the district has funded a portion of the project beyond its required district contribution and the pupil capacity of the classroom does not exceed 150 percent of the number of pupils receiving a new construction grant (rounded up) for the SFP project.
 - Acquired with Joint-Use Funds pursuant to Education Code Sections 17052 or 17077.40.
- If the eligibility for this project was determined on a high school attendance area (HSAA) or Super HSAA pursuant to Section 1859.41, enter the number of pupils by grade level type that were included in the latest report by the CDE pursuant to Education Code Section 42268 that received operational grants in that HSAA or Super HSAA.

14. Pending Reorganization Election

Complete only for new construction projects. Indicate if there is a pending reorganization election that will result in a loss of eligibility for this project. If the answer is "yes", the district must complete Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03, to adjust the district's new construction baseline eligibility as a result of the reorganization and submit them with this form.

15. Joint Use Facility/Leased Property

Check the box if:

- the facilities to be constructed/modernized as part of this project will be for joint use by other governmental agencies.
- the new construction or modernization grants will be used for facilities located or to be located on leased property.

16. Architect of Record or Licensed Architect Certification

The architect of record or the licensed architect must complete this section.

17. Architect of Record or Design Professional Certification

The architect of record or the appropriate design professional must complete this section.

18. Certification

The district representative must complete this section.

APPLICATION FOR FUNDING**SCHOOL FACILITY PROGRAM**

SAB 50-04 (REV 04/08/03)

The school district named below applies to the State Allocation Board via the Office of Public School Construction for a grant under the provisions of Chapter 12.5, Part 10, Division 1, commencing with Section 17070.10, et seq., of the Education Code and the Regulations thereto.

SCHOOL DISTRICT		APPLICATION NUMBER
SCHOOL NAME		PROJECT TRACKING NUMBER
COUNTY	DISTRICT REPRESENTATIVE'S E-MAIL ADDRESS	HIGH SCHOOL ATTENDANCE AREA (HSAA) OR SUPER HSAA (IF APPLICABLE)

1. Type of Application—Check Only One

- ☐ New Construction
☐ New Construction (Final Apportionment)
☐ New Construction (Final Charter School Apportionment)
☐ Modernization
☐ Modernization of California Schools for Deaf/Blind

Separate Apportionment

- ☐ Site Only—New Construction [Section 1859.81.1]
☐ Site Only (District owned)—New Construction [Section 1859.81.2]
☐ Site Only—Environmental Hardship [Section 1859.75.1]
☐ Design Only—New Construction [Section 1859.81.1]
☐ Design Only—Modernization
☐ Design Only—Modernization of California Schools for Deaf/Blind
☐ Facility Hardship [Section 1859.82(a)]
☐ Facility Hardship [Section 1859.82(b)]
☐ Rehabilitation [Section 1859.83(e)]
☐ Advance Funding for Evaluation and RA

2. Type of Project

- a. ☐ Elementary School
☐ Middle School
☐ High School

Pupils Assigned:

K–6 _____
 7–8 _____
 9–12 _____
 Non-Severe _____
 Severe _____

- b. ☐ 50 years or older building funding (Modernization only)

• Total Classrooms/Square Footage _____

• Classroom/Square Footage at least 50 years old _____

- c. Is this a 6–8 School? ☐ Yes ☐ No

If you answered yes, how many K–6 pupils reported above are sixth graders? _____

Is this an Alternative Education school? ☐ Yes ☐ No

- d. ☐ Automatic Fire Detection/Alarm System
☐ Automatic Sprinkler System

- e. Is this a use of grant request pursuant to Section 1859.77.2? ☐ Yes ☐ No

Is this request pursuant to Section 1859.77.2(c)? ☐ Yes ☐ No

If yes, enter date of successful bond election: _____

Is this a use of grant request pursuant to Section 1859.77.3? ☐ Yes ☐ No

Is this request pursuant to Section 1859.77.3(c)? ☐ Yes ☐ No

If yes, enter date of successful bond election: _____

- f. ☐ Facility Hardship (no pupils assigned)

3. Number of Classrooms

Master Plan Acreage Site Size (Useable) _____

Recommended Site Size (Useable) _____

Existing Acres (Useable) _____

Proposed Acres (Useable) _____

4. ☐ Financial Hardship Request—Must Have Pre-Approval by OPSC**5. New Construction Additional Grant Request—New Construction Only**

- a. Therapy: Toilets (sq. ft.) _____
 Other (sq. ft.) _____
 b. Multilevel Construction (CRS) _____
 c. ☐ Project Assistance
 d. Site Acquisition:
☐ Leased Site
☐ Additional Acreage to Existing Site
☐ Addition to Existing Site
 (1) 50 percent Actual Cost \$ _____
 (2) 50 percent Appraised Value \$ _____
 (3) 50 percent Relocation Cost \$ _____
 (4) 2 percent (min. \$25,000) \$ _____
 (5) 50 percent DTSC Fee \$ _____
 e. 50 percent Hazardous waste removal \$ _____
☐ Response Action (RA)
 f. Site Development
☐ 50 percent Service-Site \$ _____
☐ 50 percent Off-Site \$ _____
☐ 50 percent Utilities \$ _____
 g. Facility Hardship Section 1859.82(a) or (b)
☐ Toilet (sq. ft.) _____
☐ Other (sq. ft.) _____
 h. Replacement area
☐ Toilet (sq. ft.) _____
☐ Other (sq. ft.) _____
 i. ☐ Energy Efficiency _____ %

6. Modernization Additional Grant Request—Modernization Only

- a. ☐ Project Assistance _____ %
 b. ☐ Energy Efficiency _____ %
 c. ☐ Site Development—60 percent utilities \$ _____

APPLICATION FOR FUNDING**SCHOOL FACILITY PROGRAM**

SAB 50-04 (REV 04/08/03)

7. Excessive Cost Hardship Request**New Construction Only**

- ☐ Geographic Percent Factor _____ %
- ☐ New School Project [Section 1859.83(c)(1)] _____
- ☐ New School Project [Section 1859.83(c)(2)] _____
- ☐ Small Size Project _____
- ☐ Urban/Security/Impacted Site: _____
- If a new site, \$ _____ per Useable Acre [Section 1859.83(d)(2)(C)]

Modernization Only

- ☐ Rehabilitation/Mitigation [Section 1859.83(e)] \$ _____
- ☐ Geographic Percent Factor _____ %
- ☐ Handicapped Access/Fire Code (3 percent) _____
- ☐ Number of 2-Stop Elevators _____
- ☐ Number of Additional Stops _____
- ☐ Small Size Project _____
- ☐ Urban/Security/Impacted site _____

8. Project Priority Funding Order—New Construction Only

Priority order of this application in relation to other new construction applications submitted by the district at the same time. # _____

- Project meets: ☐ Density requirement pursuant to Section 1859.92(c)(3).
- ☐ Stock plans requirement pursuant to Section 1859.92(c)(4).
- ☐ Energy efficiency requirement pursuant to Section 1859.92(c)(6).

9. Prior Approval Under the LPP

New Construction 22/ _____

Modernization 77/ _____

10. Prior Apportionment Under the SFP

Site Design—New Construction 50/ _____

Design—Modernization 57/ _____

- 11. a.—Preliminary Apportionment Application Number** # _____
- b.—Preliminary Charter School Apportionment Application Number** # _____

12. Alternative Developer Fee—New Construction Only

Alternative developer fee collected and reportable pursuant to Regulation Section 1859.77. \$ _____

13. Adjustment to Baseline Eligibility—New Construction Only

- a. Additional Classroom(s) provided:
- | | | |
|------------------------------|------------|-------|
| <u>General Education</u> | K-6 | _____ |
| | 7-8 | _____ |
| | 9-12 | _____ |
| | Non-Severe | _____ |
| | Severe | _____ |
| <u>Alternative Education</u> | K-6 | _____ |
| | 7-8 | _____ |
| | 9-12 | _____ |
- b. Operational Grant (HSAA) only:
- | | | |
|--|------------|-------|
| | K-6 | _____ |
| | 7-8 | _____ |
| | 9-12 | _____ |
| | Non-Severe | _____ |
| | Severe | _____ |

14. Pending Reorganization Election—New Construction Only ☐ Yes ☐ No**15. Joint Use Facility/Leased Property**

- a. ☐ Joint Use Facility
- b. ☐ Leased Property

16. Architect of Record or Licensed Architect Certification

I certify as the architect of record for the project or as a licensed architect that:

- The P&S for this project were submitted to the OPSC by electronic medium (i.e., CD-ROM, zip disk or diskette) or as an alternative, if the request is for a modernization Grant, the P&S were submitted in hard copy to the OPSC.
- Any portion of the P&S requiring review and approval by the Division of the State Architect (DSA) were approved by the DSA on _____ (enter DSA approval date). (If the P&S were not approved by the DSA enter N/A.)
- Any portion of the P&S not requiring review and approval by the DSA meets the requirements of the California Code of Regulations, Title 24, including any handicapped access and fire code requirements.
- If the request is for a Modernization Grant, the P&S include the demolition of more classrooms than those to be constructed in the project, the difference is _____ classroom(s). (Indicate N/A if there are none.)
- If the request is for a Modernization Grant, the P&S include the construction of more classrooms than those to be demolished in the project, the difference is _____ classroom(s). (Indicate N/A if there are none.)

ARCHITECT OF RECORD OR LICENSED ARCHITECT (PRINT NAME)

SIGNATURE

DATE

17. Architect of Record or Design Professional Certification

I certify as the architect of record for the project or the appropriate design professional, that:

- If the request is for a New Construction Grant, I have developed a cost estimate of the proposed project which indicates that the estimated construction cost of the work in the P&S including deferred items (if any) relating to the proposed project, is at least 60 percent of the total grant amount provided by the State and the district's matching share, less site acquisition costs. This cost estimate does not include site acquisition, planning, tests, inspection, or furniture and equipment and is available at the district for review by the OPSC.
- If the request is for a Modernization Grant, I have developed a cost estimate of the proposed project which indicates that the estimated construction cost of the work in the P&S, including deferred items and interim housing (if any) relating to the proposed project, is at least 60 percent of the total grant amount provided by the State and the district's matching share. This cost estimate does not include planning, tests, inspection or furniture and equipment and is available at the district for review by the OPSC.

ARCHITECT OF RECORD OR DESIGN PROFESSIONAL (PRINT NAME)

SIGNATURE

DATE

18. Certification

I certify, as the District Representative, that the information reported on this form, with the exception of items 16 and 17, is true and correct and that:

I am an authorized representative of the district as authorized by the governing board of the district; and

- A resolution or other appropriate documentation supporting this application under Chapter 12.5, Part 10, Division 1, commencing with Section 17070.10, et. seq., of the Education Code was adopted by the School District's Governing Board or the designee of the Superintendent of Public Instruction on _____; and
- The district has established a "Restricted Maintenance Account" for exclusive purpose of providing ongoing and major maintenance of school buildings and has developed an ongoing and major maintenance plan that complies with and is implemented under the provisions of Education Code Section 17070.75 and 17070.77 (refer to Sections 1859.100 through 1859.102); and
- The district has considered the feasibility of the joint use of land and facilities with other governmental agencies in order to minimize school facility costs; and
- The district will comply with all laws pertaining to the construction or modernization of its school building; and
- Facilities to be modernized have not been previously modernized with Lease-Purchase Program, Proposition 1A Funds or School Facility Program state funds; and
- All contracts entered on or after November 4, 1998 for the service of any architect structural engineer or other design professional for any work under the project have been obtained pursuant to a competitive process that is consistent with the requirements of Chapter 10 (commencing with Section 4525) of Division 5, of Title 1, of the Government Code; and
- If this request is for new construction funding, the district has received approval of the site and the plans from the CDE. Plan approval is not required if request is for separate design apportionment; and
- If this request is for modernization funding, the district has received approval of the plans for the project from the CDE. Plan approval is not required if request is for separate design apportionment; and
- The district has or will comply with the Public Contract Code regarding all laws governing the use of force account labor; and
- This district has or will comply with Education Code Section 17076.11 regarding at least a 3 percent expenditure goal for disabled veteran business enterprises; and
- The district matching funds required pursuant to Sections 1859.77.1 or 1859.79 has either been expended by the district, deposited in the County School Facility Fund or will be expended by the district prior to the notice of completion for the project; and
- The district has received the necessary approval of the plans and specifications from the Division of the State Architect unless the request is for a separate site and/or design apportionment; and
- If the district is requesting site acquisition funds as part of this application, the district has complied with Sections 1859.74 through 1859.75.1 as appropriate; and
- With the exception of an apportionment made pursuant to Section 1859.75.1, the district understands that the lack of substantial progress toward increasing the pupil capacity or renovation of its facilities within 18 months of receipt of any funding shall be cause for the rescission of the unexpended funds (refer to Section 1859.105); and
- If the apportionment for this project was made pursuant to Section 1859.75.1, the district understands that the lack of substantial progress toward increasing the pupil capacity or renovation of its facilities within 12 months of receipt of any funding shall be cause for the rescission of the unexpended funds (refer to Section 1859.105.1); and
- The district understands that funds not released within 18 months of apportionment shall be rescinded and the application shall be denied (refer to Section 1859.90); and
- The statements set forth in this application and supporting documents are true and correct to the best of my knowledge and belief; and
- All school facilities purchased or newly constructed under the project for use by pupils who are individuals with exceptional needs, as defined in Education Code Section 56026, shall be designed and located on the school site so as to maximize interaction between those individuals with exceptional needs and other pupils as appropriate to the needs of both; and
- This form is an exact duplicate (verbatim) of the form provided by the OPSC. In the event a conflict should exist, the language in the OPSC form will prevail; and
- The district understands that some or all of the State funding for the project must be returned to the State as a result of an audit pursuant to Sections 1859.105, 1859.105.1, 1859.106; and
- The district has complied with the provisions of Sections 1859.76 and 1859.79.2 and that the portion of the project funded by the State does not contain work specifically prohibited in those Sections; and
- If the SFP grants will be used for the construction or modernization of school facilities on leased land the district has entered into a lease agreement for the leased property that meets the requirements of Section 1859.22; and
- If the application contains a "Use of New Construction Grant" request, the district has adopted a school board resolution and housing plan at a public hearing at a regularly scheduled meeting of the governing board on _____ as specified in Sections 1859.77.2, or 1859.77.3, as appropriate. The district's approved housing plan is as indicated (check all that apply):
 - ☐ 1. The district will construct or acquire facilities for housing the pupils with funding not otherwise available to the SFP as a district match within five years of project approval by the SAB and the district must identify the source of the funds. [Applicable for Sections 1859.77.2(a) and (b) and 1859.77.3(a) and (b)]
 - ☐ 2. The district will utilize higher district loading standards providing the loading standards are within the approved district's teacher contract and do not exceed 33:1 per classroom. [Applicable for Sections 1859.77.2(a) and (b) and 1859.77.3(a) and (b)]
 - ☐ 3. The pupils requested from a different grade level will be housed in classrooms at an existing school in the district which will have its grade level changed, to the grade level requested, at the completion of the proposed SFP project. [Applicable for Sections 1859.77.2(b) and 1859.77.3(b)]
- If the district requested additional funding for fire code requirements pursuant to Sections 1859.71.2 or 1859.78.4, the district will include the automatic fire detection/alarm system and/or automatic sprinkler system in the project prior to completion of the project; and
- If this request is for a Large New Construction Project or a Large Modernization Project, the district has consulted with the career technical advisory committee established pursuant to Education Code Section 8070 and it has considered the need for vocational and career technical facilities to adequately meet its program needs in accordance with Education Code Sections 51224, 51225.3(b) and 52336.1; and
- If the district is requesting an Additional Grant for Energy Efficiency pursuant to Sections 1859.71.3 or 1859.78.5, the increased costs for the energy efficiency components in the project exceeds the amount of funding otherwise available to the district; and
- The district has or will initiate and enforce a Labor Compliance Program that has been approved by the Department of Industrial Relations, pursuant to Labor Code Section 1771.7, if the project is funded from Proposition 47 and the Notice to Proceed for the construction phase of the project is issued on or after April 1, 2003; and
- If this application is submitted after January 1, 2004 for modernization funding, the district has considered the potential for the presence of lead-containing materials in the modernization project and will follow all relevant federal, state, and local standards for the management of any identified lead.

SIGNATURE OF DISTRICT REPRESENTATIVE

DATE

STATE ALLOCATION BOARD
IMPLEMENTATION COMMITTEE
August 1, 2003

SENATE BILL 575 SURVEY
**Automatic Fire Detection /Alarm
and Automatic Sprinkler Requirement**

BACKGROUND

Senate Bill (SB) 575, Chapter 725, Statutes of 2001 requires all school district plans for new construction and modernization submitted to the Division of the State Architect (DSA) and requesting funding under the School Facility Program (SFP) on or after July 1, 2002 to include automated fire detection, alarm, and in certain types of construction, a sprinkler system. In addition, this law required the State Allocation Board (SAB) to modify the existing grants for new construction and modernization to cover the costs associated with the purchase and installation of an automatic fire detection alarm and/or sprinkler system. The SAB adopted regulations in June 2002 to include an increase to the per pupil grants for these costs.

A provision in SB 575 requires the SAB to review the adequacy of the per pupil grant adjustments and determine if these adjustments are sufficient. The SAB is required to perform this review prior to July 1, 2003.

INITIAL GRANT CREATION

Since SB 575 required the SAB to adjust the per pupil grant amounts for new construction and modernization to cover the increased costs of installing these systems, the Office of Public School Construction (OPSC) was faced with the difficult task of locating resources that could assist in creating the grant adjustments. The OPSC solicited data at two SAB Implementation Committee meetings for this purpose and contacted the DSA and the Office of the State Fire Marshall (OSFM) to request information and resources. The OSFM and the DSA provided the OPSC with several sources, which enabled access to the data needed. The OPSC utilized these sources to create the initial per pupil grant for new construction and modernization.

A factor that influenced the decision to create the per pupil grants with limited information was the timeline for the implementation of this law. The California Building Standards Commission adopted the OSFM's regulations on an emergency basis; therefore, the regulations would require the DSA and the SAB to implement SB 575 on July 1, 2002.

SUMMARY OF SURVEY RESULTS

To assist the OPSC in conducting a meaningful review of the adequacy of the per pupil grants, the OPSC mailed a survey to all districts that received funding under these new fire code provisions. A total of nearly 100 surveys were sent out with 49 responses received (20 new construction and 29 modernization projects). Included with the survey the districts submitted either a detailed cost breakdown, such as a contractor bid, or schedule of values. The districts that responded to the survey represent northern, central, and southern areas of California, as well as suburban, urban and rural.

SUMMARY OF SURVEY RESULTS (cont.)

Today we are discussing the results of the survey, and our recommendations which are outlined in the below chart:

New Construction (Additions to an existing site):

<i>Description</i>	<i>Current Per Pupil Grant * @ 50% State Share</i>	<i>Per Pupil Grant Based on Survey @ 50% State Share</i>	<i>Recommended Per Pupil Grant** @50% State Share</i>
Alarm/Detection – Elementary	\$30.00	\$6.35	\$8.00
Alarm/Detection – Middle	\$39.00	\$9.75	\$11.00
Alarm/Detection – High	\$29.00	\$16.50	\$18.00

New Construction (New School / New Campus):

<i>Description</i>		<i>Current Per Pupil Grant * @ 50% State Share</i>		<i>Per Pupil Grant Based on Survey @ 50% State Share</i>		<i>Recommended Per Pupil Grant** @50% State Share</i>	
		<i>Grant \$</i>	<i>Combined Total</i>	<i>Grant \$</i>	<i>Combined Total</i>	<i>Grant \$</i>	<i>Combined Total</i>
<i>Elementary</i>	Alarm/Detection	\$30.00	\$124.00	\$6.35	\$111.08	\$8.00	\$119.00
	Sprinkler	\$94.00		\$104.73		\$111.00	
<i>Middle</i>	Alarm/Detection	\$39.00	\$151.00	\$9.75	\$132.58	\$11.00	\$143.00
	Sprinkler	\$112.00		\$122.83		\$132.00	
<i>High School</i>	Alarm/Detection	\$29.00	\$156.00	\$16.50	\$146.50	\$18.00	\$155.00
	Sprinkler	\$127.00		\$130.00		\$137.00	

Modernization:

<i>Description</i>	<i>Current Per Pupil Grant * @ 80% State Share</i>	<i>Per Pupil Grant Based on Survey @ 80% State Share</i>	<i>Recommended Per Pupil Grant** @80% State Share</i>
Alarm/Detection – Elementary	\$118.00	\$76.68	\$81.00
Alarm/Detection – Middle	\$146.00	\$76.72	\$81.00
Alarm/Detection – High	\$143.00	\$72.80	\$81.00

* This per pupil grant amount is representative of the current grant amount based on the January 1, 2003 Index.

** These per pupil grant amounts will be shown in regulations at the 1998 index amount to coincide with other grants provided in the regulations.

SUMMARY OF SURVEY RESULTS (cont.)

The survey results show that some costs were under-funded and others were over-funded. As a result, the OPSC is recommending that the per pupil grant amounts be adjusted accordingly to reflect the actual costs. The initial per pupil grant developed for new construction projects that contain or require automatic sprinkler systems is inadequate; therefore, the OPSC is recommending that these costs be increased to reflect the actual costs. The initial new construction and modernization per pupil amount for fire alarm/detection is excessive, and the OPSC is recommending that the per pupil grant be reduced. The average for the actual project costs from the survey results is the basis of our recommended amounts. These amounts include consideration for soft costs.

Special Day Class Pupils

The initial per pupil grant adjustments for SDC pupils was created by increasing the SDC grants proportionately from the base grant to the SDC base grant. The survey results did not delineate whether the project contained SDC pupils; therefore, the OPSC has no data to support if the grants are sufficient or not. However, we recommend adjustment of the SDC per pupil grants accordingly to be consistent with the recommended amounts in this item.

Other

The grants provided for toilet and therapy area in new construction projects and for current replacement costs of toilet and therapy area include a small amount for the cost of automatic fire detection and alarm systems and automatic sprinkler systems. In accordance with the survey results, the decrease in the funding provided for these systems would be minimal; therefore, the OPSC recommends no change to the grant amounts.

RECOMMENDATIONS

1. Adjust the current per pupil new construction and modernization grants for fire alarm/detection system based upon the based upon the recommended per pupil grant amount indicated in the chart above.
2. Adjust the current per pupil new construction grant for automatic fire alarm and sprinkler system recommended per pupil grant amount indicated the chart above.
3. Adjust the Special Day Class per pupil grants based upon the adjustment to the new construction and modernization grants recommended above.
4. Present to the SAB the proposed amended SFP Regulations as shown on Attachment A.
5. Present to the SAB the proposed 2003 adjustments to the SFP Regulations as shown on Attachment B.

ATTACHMENT A

Proposed Amended Regulations Automatic Fire Detection /Alarm and Automatic Sprinkler Requirement

Amend Section 1859.71.2 as follows:

Section 1859.71.2. New Construction Additional Grant for Fire Code Requirements.

- (a) In addition to any other funding authorized by these Regulations, the Board shall provide the following grant amounts for each pupil included in an application for new construction if the project includes an automatic fire detection and alarm system as described in Education Code Section 17074.52:
 - (1) ~~\$26.82~~ \$7.12 for each elementary school pupil.
 - (2) ~~\$33.65~~ \$9.79 for each middle school pupil
 - (3) ~~\$25.94~~ \$16.03 for each high school pupil.
 - (4) ~~\$80.06~~ \$20.42 for each pupil that is a Severely Disabled Individual with Exceptional Needs.
 - (5) ~~\$53.57~~ \$30.41 for each pupil that is a Non-Severely Disabled Individual with Exceptional Needs.
- (b) In addition to the funding provided by Subdivision (a) of Education Code Section 17072.10 and Section 1859.71.1, the Board shall provide the following grant amounts for each pupil included in an application for new construction if the project includes an automated sprinkler system as required in Education Code Section 17074.52:
 - (1) ~~\$83.67~~ \$98.83 for each elementary school pupil.
 - (2) ~~\$99.01~~ \$117.53 for each middle school pupil.
 - (3) ~~\$112.84~~ \$121.98 for each high school pupil.
 - (4) ~~\$273.86~~ \$209.77 for each pupil that is a Severely Disabled Individual with Exceptional Needs.
 - (5) ~~\$183.23~~ \$312.40 for each pupil that is a Non-Severely Disabled Individual with Exceptional Needs.
- (c) Pursuant to Subdivision (c) of Education Code Section 17074.56, the Board shall provide the grant amounts shown in (a) and (b) above if applicable, in addition to any other funding authorized by these Regulations, for each pupil included in an application for new construction if all the following criteria are met:
 - (1) The final plans for the new construction project were submitted to the Division of the State Architect for review and approval between September 1, 2001 and June 30, 2002.
 - (2) The final plans for the new construction project included an automatic fire detection and alarm system and/or an automatic sprinkler system as described in Education Code Section 17074.52 or the project will include the system(s) prior to the completion of the project.
 - (3) The new construction project did not receive the entire New Construction Adjusted Grant apportionment by June 30, 2002.

The amounts shown in (a) and (b) above shall be adjusted annually in the manner prescribed in Section 1859.71.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Section 17074.50, 17074.52, 17074.54 and 17074.56, Education Code.

Amend Section 1859.78.4 as follows:

Section 1859.78.4. Modernization Additional Grant for Fire Code Requirements.

- (a) In addition to any other funding authorized by these Regulations, the Board shall provide the following grant amounts for each pupil included in an application for modernization if the project includes an automatic fire detection and alarm system as described in Education Code Section 17074.52 or the fire detection and alarm system is deferred as authorized by Subdivision (b) of Education Code Section 17074.50:

- (1) ~~\$104.93~~ \$72.12 for each elementary pupil.
- (2) ~~\$129.95~~ \$72.12 for each middle school pupil.
- (3) ~~\$127.40~~ \$72.12 for each high school pupil.
- (4) ~~\$335.71~~ \$134.14 for each pupil that is a Severely Disabled Individual with Exceptional Needs.
- (5) ~~\$224.61~~ \$200.49 for each pupil that is a Non-Severely Disabled Individual with Exceptional Needs.
- (b) Pursuant to Subdivision (c) of Education Code Section 17074.56, the Board shall provide the grant amounts shown in (a) above, in addition to any other funding authorized by these Regulations, for each pupil included in an application for modernization if *all* the following criteria are met:
 - (1) The final plans for the modernization project were submitted to the Division of the State Architect for review and approval between September 1, 2001 and June 30, 2002.
 - (2) The final plans for the modernization project included an automatic fire detection and alarm system as described in Education Code Section 17074.52 or the project will include the system prior to the completion of the project.
 - (3) The modernization project did not receive the entire modernization Adjusted Grant apportionment by June 30, 2002.

The amounts shown in (a) above shall be adjusted annually in the manner prescribed in Section 1859.78.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17074.50, 17074.52, 17074.54 and 17074.56, Education Code

ATTACHMENT B

Proposed 1998 and 2003 Grant Amount Adjustments Automatic Fire Detection /Alarm and Automatic Sprinkler Requirement

		1998 Additional Grant	Additional Grant Effective 1-1-03
New Construction	Auto Alarm/Detection – Elementary	\$7.12	\$8.00
	Auto Alarm/Detection – Middle	\$9.79	\$11.00
	Auto Alarm/Detection – High	\$16.03	\$18.00
	Auto Alarm/Detection – Special Day Class – Non-Severe	\$20.42	\$ 23.00
	Auto Alarm/Detection – Special Day Class – Severe	\$30.41	\$ 34.00
	Sprinkler – Elementary	\$98.83	\$111.00
	Sprinkler – Middle	\$117.53	\$132.00
	Sprinkler – High	\$121.98	\$137.00
	Sprinkler – Special Day Class – Non-Severe	\$209.77	\$236.00
	Sprinkler – Special Day Class – Severe	\$312.40	\$351.00
Modernization	Auto Alarm/Detection – Elementary	\$72.12	\$81.00
	Auto Alarm/Detection – Middle	\$72.12	\$81.00
	Auto Alarm/Detection – High	\$72.12	\$81.00
	Auto Alarm/Detection – Special Day Class – Non-Severe	\$134.14	\$151.00
	Auto Alarm/Detection – Special Day Class – Severe	\$200.49	\$225.00

STATE ALLOCATION BOARD
IMPLEMENTATION COMMITTEE
August 1, 2003

LEASE LEASE-BACK AGREEMENTS

This matter is being presented to the State Allocation Board for two purposes:

- Advise the SAB that projects constructed under lease Lease-back agreements are being recommended for reimbursement and to obtain SAB concurrence that that is a permissible use of state bond funds, and
- Propose amendments to current regulations necessary to clarify requirements for funding particular to lease lease-back arrangements.

Background

The Use of Education Code Section 17406 (Lease Lease-Back) as a contracting method.

Education Code Section 17406 provides a mechanism whereby a district may let district real property to a development entity without competitive bidding if the developer will construct a school facility and lease it back to the district. An increasing number of districts are using this approach to construct new facilities and modernize existing facilities. The districts then request State funding for the purpose of buying out the lease and acquiring the facility.

OPSC Policy Positions

Over a period of several years, the OPSC has responded to individual school district questions on issues related to the use of the provisions of EC 17406. These responses have begun to form the office's informal policy on lease lease-back project delivery methods. The responses are summarized below by general topic:

- The District must have title to the site on which the project will be constructed at the time that the apportionment is approved by the SAB.
- The lease agreement must contain the following provisions or information:
 - The value of the lease.
 - A provision that the title to the improvements on the site shall vest with the District upon completion of the project.
 - A provision that the lease agreement shall terminate within 180 days of the filing of a notice of completion or occupancy of the project by the District, whichever occurs first.
- State bond funds may not be used to make lease or rental payments.

Staff believes that these policies need to be approved by the Board and formalized through the regulatory process.

Discussion

- Should the ability to file a lease, lease-back application under the provisions of EC 17406 also be extended to modernization applications?
- Is there a standard that can be used for when a school is occupied (documents filed by the district/school board minutes, etc)?

Proposal

Clarify that lease lease-back agreements meeting the requirements of EC 17406 may be used as a means of constructing or **modernizing** school facilities otherwise eligible under the SFP. Add regulation section 1859.23 as follows:

1859.23 SFP Application for Funding of Property Leased Under the Provisions of Education Code Section 17406.

In addition to meeting the requirements of Sections 1859.20 and 1859.21 or 1859.120, a district may receive SFP funds for facilities that have been constructed or modernized, or will be constructed or modernized, under a lease agreement pursuant to Education Code 17406 provided the following are met:

- (a) At the time the funding application is approved by the Board, the district has title to the site or meets one of the following:
 - (1) the site acquisition is in final escrow,
 - (2) the district is leasing the site for a term specified in 1859.22 (b), (1), (2) or (3) and the property lease is not connected to or a part of the lease, lease-back agreement created under EC 17406.
 - (3) the district has filed an action in eminent domain and has received and order of immediate possession of the site.
- (b) A provision that the lease agreement contains a purchase option that, if exercised, the lease shall terminate and the title of the improvements shall vest with the district within 180 days of receiving an adjusted grant apportionment from the Board or occupancy of the project, whichever is later.
- (c) The Application for Funding is filed with the Board no later than occupancy by the district of any part of the project.
- (d) No funds from state bonds are used for lease or rental payments on the project.
- (e) All requirements of Chapter 12.5 have been met including but not limited to compliance with SFP Regulation Section (XXXXX Note: Insert new section number regarding "chargeability of district funded facilities") and Labor Code Section 1771.7.

Recommendations

1. Present to the SAB the proposed SFP Regulation as shown above.
2. Present to the SAB the proposed amendments to Form SAB 50-05, as shown on Attachment A.

ATTACHMENT A

Form SAB 50-05
See Insert Separate Attachment

ATTACHMENT B

Legal References

17072.35. A grant for new construction may be used for any and all costs necessary to adequately house new pupils in any approved project, and those costs may only include the cost of design, engineering, testing, inspection, plan checking, construction management, site acquisition and development, evaluation and response action costs relating to hazardous substances at a new or existing schoolsite, demolition, construction, acquisition and installation of portable classrooms, landscaping, necessary utility costs, utility connections and other fees, equipment including telecommunication equipment to increase school security, furnishings, and the upgrading of electrical systems or the wiring or cabling of classrooms in order to accommodate educational technology. A grant for new construction may also be used to acquire an existing government or privately owned building, or a privately financed school building, and for the necessary costs of converting the government or privately owned building for public school use.

17400. (a) Any school district may enter into leases and agreements relating to real property and buildings to be used by the district pursuant to this article.

(b) As used in this article, "building" includes each of the following:

- (1) One or more buildings located or to be located on one or more sites.
- (2) The remodeling of any building located on a site to be leased pursuant to this article.
- (3) Onsite and offsite facilities, utilities or improvements which the governing board determines are necessary for the proper operation or function of the school facilities to be leased.
- (4) The permanent improvement of school grounds.

(c) As used in this article, "site" includes one or more sites, and also may include any building or buildings located or to be located on a site.

17401. As used in this article "lease or agreement" shall include a lease-purchase agreement.

17402. Before the governing board of a school district enters into a lease or agreement pursuant to this article, it shall have available a site upon which a building to be used by the district may be constructed and shall have complied with the provisions of law relating to the selection and approval of sites, and it shall have prepared and shall have adopted plans and specifications for the building that have been approved pursuant to Sections 17280 to 17316, inclusive. A district has a site available for the purposes of this section under any of the following conditions:

(a) If it owns a site or if it has an option on a site that allows the school district or the designee of the district to purchase the site. Any school district may acquire and pay for an option containing such a provision.

(b) If it is acquiring a site by eminent domain proceedings and pursuant to Chapter 6 (commencing with Section 1255.010) of Title 7 of Part 3 of the **Code** of Civil Procedure, the district has obtained an order for possession of the site, and the entire amount deposited with the court as the probable amount of compensation for the taking has been withdrawn.

(c) In the case of a district qualifying under Section 17410, if it is leasing a site from a governmental agency pursuant to a lease having an original term of 35 years or more or having an option to renew that, if exercised, would extend the term to at least 35 years.

17403. The term of any lease or agreement entered into by a school district pursuant to this article shall not exceed 40 years.

17404. Sections 17455 to 17480, inclusive, shall not apply to leases made pursuant to this article.

17405. Any lease or agreement shall be subject to the following requirements:

(a) A building or structure that is to be used for school purposes shall be subject to the provisions of Article 3 (commencing with Section 17280) and Article 6 (commencing with Section 17365). A building or facility used by a school district under a lease or lease-purchase agreement into which neither pupils nor teachers are required to enter or that would be excluded from the definition of "school building," as

contained in Section 17368, shall not be considered to be a "school building" within the meaning of Section 17283.

(b) Subdivision (a) shall not apply to trailer coaches used for classrooms or laboratories if the trailer coaches conform to the requirements of Part 2 (commencing with Section 18000) of Division 13 of the Health and Safety **Code**, and the rules and regulations promulgated thereunder concerning mobilehomes, are not expanded or fitted together with other sections to form one unit greater than 24 feet in width, are used for special educational purposes, and are used by not more than 12 pupils at a time, except that the trailer coaches may be used by not more than 20 pupils at a time for driver training purposes.

(c) The site on which a leased relocatable structure is located shall be owned by the school district, or shall be under the control of the school district pursuant to a lease or a permit. "Relocatable structure" is any structure that is designed to be relocated.

(d) For purposes of interconnection of fire alarms, buildings leased for 24 months or less shall be subject to Section 809 of the Uniform Building **Code** until applicable regulations proposed by the State Fire Marshal are adopted as part of Title 24 of the California **Code** of Regulations.

(e) Notwithstanding any other provision of law, this section shall become operative on September 30, 1997.

17406. (a) Notwithstanding Section 17417, the governing board of a school district, without advertising for bids, may let, for a minimum rental of one dollar (\$1) a year, to any person, firm, or corporation any real property that belongs to the district if the instrument by which such property is let requires the lessee therein to construct on the demised premises, or provide for the construction thereon of, a building or buildings for the use of the school district during the term thereof, and provides that title to that building shall vest in the school district at the expiration of that term. The instrument may provide for the means or methods by which that title shall vest in the school district prior to the expiration of that term, and shall contain such other terms and conditions as the governing board may deem to be in the best interest of the school district.

(b) Any rental of property that complies with subdivision (a) shall be deemed to have thereby required the payment of adequate consideration for purposes of Section 6 of Article XVI of the California Constitution.

17407. The governing board of any school district may enter into an agreement with any person, firm, or corporation under which that person, firm, or corporation shall construct, or provide for the construction of, a building to be used by the district upon a designated site and lease the building and site to the district. The instrument shall provide that the title to the building and site shall vest in the district at the expiration of the lease, and may provide the means or method by which the title to the building and site shall vest in the district prior to the expiration of the lease, and shall contain such other terms and conditions as the governing board of the district deems to be in the best interest of the district.

The agreement entered into shall be with the lowest responsible bidder who shall give the security that any board requires. The board may reject all bids. For the purpose of securing bids the board shall publish at least once a week for two weeks in some newspaper of general circulation published in the district, or if there is no paper, then in some paper of general circulation circulated in the county, a notice calling for bids, stating the proposed terms of the agreement and the time and place where bids will be opened.

17424. The governing board of the school district shall obtain the general prevailing rate of per diem wages from the Director of the Department of Industrial Relations for each craft, classification or type of workman needed for the construction of the building and shall specify in the resolution and in the notice, required by Section 17417, or in the resolution required by Section 17418 and in the lease or agreement made pursuant to this article, what the general prevailing rate of per diem wages and the general prevailing rate for holiday and overtime work in the locality is for each craft, classification or type of workmen needed for the construction of the building. The holidays upon which such rate shall be paid need not be specified by the governing board, but shall be all holidays recognized in the collective bargaining agreement applicable to the particular craft, classification or type of workmen employed on the project.

Any agreement or lease entered into pursuant to this article shall require that such general prevailing rates will be paid. It shall also require that work performed by any workman employed upon the project in excess of eight hours during any one calendar day shall be permitted only upon compensation for all hours worked in excess of eight hours per day at not less than 1 1/2 times the basic rate of pay. There may also be included in leases or agreements entered into pursuant to this article any other requirements with respect to matters related to the subject of this section which the governing board deems necessary or desirable.

17425. The provisions of this article prevail over any provisions of law which conflict therewith.

FUND RELEASE AUTHORIZATION**SCHOOL FACILITY PROGRAM**

SAB 50-05 (REV 0208/03)

GENERAL INSTRUCTIONS – (refer to Title 2, California Code of Regulations Sections 1859.90 and 1859.91)

After a School Facility Program (SFP) grant has been funded by the Board, the Office of Public School Construction (OPSC) will release the apportioned funds with the exception of design funds, to the appropriate county treasury once the district has completed and submitted this form to the OPSC. Design funds will automatically be released to the district within 30 days of the apportionment, with the exception of Preliminary Apportionments.

- Check the boxes in Part I if the district has current financial hardship status pursuant to Section 1859.81 and is requesting release of Preliminary Apportionment funds for design, engineering, and other preconstruction project costs. Attach to this form the CDE Letter pursuant to Section 1859.149(a)(2).
- Check the box in Part II, for release of a separate site apportionment provided pursuant to Sections 1859.74.4, 1859.75.1 or 1859.81.1 or for release of Preliminary Apportionment site only acquisition pursuant to 1859.153(b) or (c).
- Check the box(es) in Part III for release of new construction or modernization funds.
- Check the boxes in Part IV if the district is requesting a separate release of site acquisition funds as part of a new construction project.
- Check the boxes in Part V if the district is requesting release of Joint-Use Project funds.
- Check the appropriate box(es) in Part VI that identify the district funding sources that have or will be used for the district's share of the project.

DRAFT

FUND RELEASE AUTHORIZATION**SCHOOL FACILITY PROGRAM**

SAB 50-05 (REV 02/08/03)

SCHOOL DISTRICT	APPLICATION NUMBER
SCHOOL NAME	FIVE-DIGIT DISTRICT CODE NUMBER (SEE CALIFORNIA PUBLIC SCHOOL DIRECTORY)
COUNTY	HIGH SCHOOL ATTENDANCE AREA (HSAA) (IF APPLICABLE)

Part I—Preliminary Apportionment—Design Only

- ☐ The district certifies it has complied with Section 1859.149(a).
- ☐ The district certifies that its applicable matching share has either:
- been deposited in the County School Facility Fund
 - has already been expended by the district for the project
 - will be expended by the district prior to the Notice of Completion for the project
- ☐ The district certifies that it currently has Financial Hardship status under the provisions of Section 1859.81.

Part II—Separate Site Apportionment

- ☐ RA on additions to existing school sites pursuant to Section 1859.74.4.

Pursuant to Sections 1859.75.1 or 1859.81.1, district must be able to check both boxes.

- ☐ Release site acquisition funds. The district certifies the funds are needed to place on deposit in order to secure the site acquisition.
- ☐ The district certifies that its applicable matching share has either:
- been deposited in the County School Facility Fund
 - has already been expended by the district for the project
 - will be expended by the district prior to the Notice of Completion for the project

Part III—New Construction/Modernization

District must be able to check both all boxes.

- ☐ The district certifies that its applicable matching share has either:
- been deposited in the County School Facility Fund
 - has already been expended by the district for the project
 - will be expended by the district prior to the Notice of Completion for the project
- ☐ The district certifies it has entered into a binding contract(s) or lease-purchase or lease, lease-back agreement for at least 50 percent of the construction included in the plans applicable to the state funded project, and has issued the Notice to Proceed for that contract.
- ☐ The Notice to Proceed for the construction contract for this project has been issued.

The amount of State funds released for new construction shall be 100 percent of the total SFP New Construction Adjusted Grant, less any site acquisition funds previously released in Part III.

The amount of State funds released for modernization shall be 100 percent of the SFP Modernization Adjusted Grant.

Part IV—New Construction—Site Acquisition Only

District must be able to check both boxes.

- ☐ The district certifies it has entered escrow for the site (attach copy of escrow instructions).
- ☐ The district certifies that its applicable matching share has either:
- been deposited in the County School Facility Fund
 - has already been expended by the district for the project
 - will be expended by the district prior to the Notice of Completion for the project

The amount of State funds released shall be equal to the additional grant provided for site acquisition.

Part V—Joint-Use Projects

- ☐ The district certifies that the Joint-Use Partners' financial contribution has either:
- been received and deposited in the County School Facility Fund
 - has been received and expended by the district
 - will be received and expended by the district prior to the Notice of Completion for the project
- ☐ The district certifies it has entered into a binding contract(s) for at least 50 percent of the construction included in the plans applicable to the state funded project.

The amount of State funds released for new construction shall be 100 percent of the Joint-Use Grant.

Part VI—Identify District and Joint-Use Partners' Funding Sources

- ☐ Available bond funds such as general obligation, or Mello-Roos.
- ☐ Available developer fees, proceeds from the sale of surplus property, or federal grants.
- ☐ Other funds available (identify)
- ☐ Funds already expended by the district for the project.
- ☐ Funds already expended by the Joint-Use Partners for the project.
- ☐ Future revenue sources to be used for the project (identify)

I certify, as the District Representative, that the information reported on this form is true and correct and that:

- The site where buildings will be modernized must comply with Education Code Sections 17212, 17212.5, and 17213; and,
- The grant amount provided by the State, combined with local matching funds or the Joint-Use Partner's financial contribution, are sufficient to complete the school construction project, unless the request is for a separate site and/or design apportionment; and,
- The district has or will comply with the Public Contract Code regarding all laws governing the use of force account labor.
- This project for which the grant amount is provided complies with Education Code Sections 17070.50 and 17072.30.
- The district or charter school has initiated and enforced a Labor Compliance Program that has been approved by the Department of Industrial Relations, pursuant to Labor Code Section 1771.7, if the project was funded from Proposition 47 and the Notice to Proceed for the construction phase of the project is issued on or after April 1, 2003.
- This form is an exact duplicate (verbatim) of the form provided by the Office of Public School Construction (OPSC). In the event a conflict should exist, then the language in the OPSC form will prevail.

SIGNATURE OF DISTRICT REPRESENTATIVE	DATE
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DRAFT

STATE ALLOCATION BOARD
IMPLEMENTATION COMMITTEE
August 1, 2003

DISTRICT FUNDED FACILITIES
INCLUDED IN EXISTING SCHOOL BUILDING CAPACITY

BACKGROUND

After a one-time calculation of existing school building capacity, known as the 'baseline', is made, the Education Code provides that it shall be adjusted by the "...number of pupils for which facilities were provided from any state or local funding source after the existing school building capacity was determined..." (EC 17071.75 (b))

State Allocation Board regulation 1859.51 (i) implements this section of law by saying that the district's baseline eligibility shall be reduced "...by the number of pupils housed ... in any classroom provided after the baseline eligibility was determined...." An exception is made for classrooms where the contract for the lease, lease-purchase, purchase or construction was made no more than 180 days prior to the submission of an approvable application. In other words, under current law and regulation, a district must file an application for funding of a facility no later than 180 days after signing a contract for building or leasing a facility. If the district does not do so, the classrooms become a part of the district's existing school building capacity, thus reducing the district's eligibility for funding and precluding reimbursement of the costs for the project.

DISCUSSION

The direction in the law that regardless of the source of funding any classroom is counted in the district's school building capacity is clear. However, the law leaves it to the SAB to determine when a classroom is 'provided.' The current regulation essentially uses the date of the signing of a contract for the lease or construction as the milestone, but provides a 180 day grace period for the district to file an approvable application for funding. This option may not accommodate all circumstances:

- ❑ Design-build or lease / lease- back situations. In these cases, the initial design build or lease / lease-back agreement may precede the signing of a construction contract by a considerable time. It may not be possible to file an application for funding within 180 days because plan and site approvals may not be in place.
- ❑ A few districts, unaware of the requirement to file within 6 months, have inadvertently lost eligibility for reimbursement.
- ❑ Some districts have proceeded with construction without certain required approvals in place. For this reason, the districts are unable to file approvable applications and lose eligibility for reimbursement.

OPTIONS

There are several possibilities to determine when a classroom should be considered available and therefore included in the district's existing school building capacity. A few options are as follows:

1. 180 days after the contract for the lease, lease-purchase, purchase or construction is signed. (Current regulation)

As already discussed, this option does not easily accommodate design-build projects and does not address lease / lease-back projects constructed under EC 17406.

2. When the contract for the lease, lease-purchase, purchase or construction is signed.

Same problem as #1.

3. When a Notice of Completion for the classroom is recorded.

A NOC may not be filed promptly for a variety of reasons, including legal issues. Therefore it is not a good indicator of when a classroom is 'provided' to the district.

4. When the classroom is occupied.

This option has a number of problems of interpretation. However, it most closely identifies the point in time when the classroom is 'provided' and is in use by the district.

Any option selected must ensure that the State bond funds are used to provide needed classrooms not already existing or to reimburse the State's share of the cost of classrooms constructed in anticipation of State funding.

PROPOSAL

Basic Rule:

All classrooms for which a contract for the lease, lease/lease-back, lease-purchase, purchase or construction shall be included in the district's existing school building capacity as of the date of occupancy of any portion of the project. If a district wishes to seek funding under the School Facility Program (SFP) for that project, it must file a complete application for funding with the Office of Public School Construction prior to the date of occupancy of any portion of the project. After the date of occupancy, a district will be ineligible to seek reimbursement under the SFP for that project.

Grandfathering:

For projects not previously State funded, the district may request funding for the project (classrooms) under the following circumstances:

1. The complete application for funding must be filed with the Office of Public School Construction no later than 90 days after this proposed regulation is in effect; and,
2. The funding application meets all requirements of Chapter 12.5; and,
3. The contract for the lease, lease-purchase, purchase or construction has been signed on or after January 1, 2000; and,
4. The grants for the project funded as described in this grandfathering proposal shall be limited to actual eligible expenditures, not to exceed the amount of SFP funding calculated at the time the contract was originally signed; and,
5. The district has new construction eligibility for the project. If the capacity of the project is included in the district's baseline, the district may exclude the capacity from its existing school building capacity for purposes of determining eligibility for this project; and,
6. All project approvals required for a new construction funding application were obtained prior to the contract date; and,
7. If the application for funding meets all criteria except #6, the district may request a special case-by-case approval by the SAB. The district must show evidence that, at the time the contract was signed, it had been the district's intention to seek State funding for the project.

Previously in the first occasions of projects submitting an application outside of the "180 days", a small number of projects received a SFP approval by accepting a second reduction of pupils from its eligibility. Subject to the SAB approval of this proposal, staff recommends that an opportunity to correct the second reduction be provided to those districts if the district meets the grandfathering provisions above.

RECOMMENDATION

Present to the SAB proposed amended SFP Regulations as outlined above.

STATE ALLOCATION BOARD
IMPLEMENTATION COMMITTEE
August 1, 2003

BOND ACCOUNTABILITY

BACKGROUND

Based on concerns expressed over a school district placing funds received from the State Allocation Board (SAB) directly into the District's General Fund without reimbursing the Restricted County School Facilities Fund, the Office of Public School Construction (OPSC) requested an opinion from the Attorney General (AG). As a part of that specific question, the AG was asked to consider the position by the OPSC/SAB that reimbursement of eligible project expenditures satisfies all legal requirements pertaining to the use of State bond funds. The AG was also asked to clarify the position by the OPSC/SAB that once reimbursement of eligible project expenditures occurs, the funding loses its identity as State bond funds and is no longer under the control or authority of the SAB.

The AG opined that the OPSC/SAB positions met the requirements of State law but indicated concern that the transfer of State bond money directly into a district's General Fund, without proper documentation, could violate the intent of the local and State bond funds. Based on this concern, the AG recommended that current SFP regulations be amended to clarify accounting responsibilities and to seek advice of tax counsel.

The OPSC subsequently hired an independent tax counsel to review a proposed "bond accountability" regulation, existing law and SFP regulations to ensure that the tax-exempt status of the State and local bonds is not jeopardized.

DISCUSSION

The primary bond accountability issue is created by school districts that utilize local bonds to pay for the local and State project funding shares and do not refund the local bond for the State's share when State funding is provided to the district. This type of scenario may have tax-exempt implications for both the State and local bonds. Based on discussions with the independent tax counsel, her primary concerns relate to the aforementioned issue and ensuring that State and local money is not doubled up on the same expenditure and ultimately transferring State bond money to non facility related (operational) funds. A draft regulation is currently under review that will endeavor to address both of these issues. When the regulation has been finalized it will be presented to the SAB Implementation Committee for further discussion.

STATE ALLOCATION BOARD

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**State Allocation Board
IMPLEMENTATION COMMITTEE
PENDING ITEMS LIST**

August 1, 2003

A. FUTURE ITEMS

- Best Practices

B. SUSPENDED ITEMS

- No items at this time